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Legislative Assembly
Province of British Columbia

June 30, 2004

The Honourable Claude Richmond
Speaker of the Legislative Assembly
Parliament Building, Room 207
Victoria, B.C. V8V 1X4

Dear Mr. Speaker,

It is my pleasure to present the Office of the Ombudsman's Annual Report 2004. This report covers the period from January 1 to December 31, 2003.

The report was prepared in accordance with section 31(1) of the *Ombudsman Act*.

Yours truly,

Howard Kushner

Howard Kushner
Ombudsman for the Province of British Columbia

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FROM THE OMBUDSMAN

The year 2003 was a year of immense challenge and change for our office. Downsizing of staff, relocating the Victoria office, sharing space and services with other legislative officers, restricting investigative activities, and developing telecommuting and mobile intake opportunities were just some of the changes and challenges we faced. Our budget was reduced by five per cent in 2002, 10 per cent in 2003 and will be further cut by 20 per cent in 2004. Although 2003 represents only the second year of budget reductions, the impact of the third year cuts were felt in 2003 as we prepared for their implementation. Throughout these changes and restructuring, our office continued to serve the public with independent, impartial review on issues of fairness. We processed more than 9,850 intakes and closed more than 2,100 investigative files, all with fewer staff and less resources than in 2002. None of this would have been possible without the hard work and dedication of our staff. Their commitment to the people of British Columbia and to the concepts of administrative fairness is extraordinary. Our success in ensuring fairness for British Columbians is a reflection of that commitment and dedication.

Quantitative Approach - Measuring the Measurable

Some of the activities of the office in 2003 may be reported numerically. This information assists us, in part, in determining if we are being efficient and effective with our limited resources.

One set of numbers is financial - the budget. In fiscal 2003, our budget was reduced by 10 per cent to $4.05 million with a further reduction of 20 per cent to take effect in fiscal 2004/05 (to $3.097 million). Being an Officer of the Legislature, independent of government, our budget process differs from that of a government ministry. I appear before the Select Standing Committee on Finance and Government Services, an all-party committee of MLAs, to speak to my office's fiscal needs. The committee makes a recommendation to the Legislature, which the Minister of Finance takes into account in preparing the provincial budget. I advised the committee, in both November 2002 and again in November 2003, that the budget proposals for our office are not adequate to allow me to fulfill all of the duties of the office.

In February 2003, I filed a Special Financial Report titled "Funding the Office of the Ombudsman" with the Legislative Assembly, the first such report in the 24-year history of the office. In that report, I outlined the consequences of a 35 per cent budget reduction including the loss of staff (approximately 20 FTEs), closure of the Vancouver office, and the establishment of telecommuting positions.

As a result of the loss of staff, the report stated that our investigative ability would be compromised. We would stop investigating complaints about local government authorities and professional associations unless the complaint raised exceptional issues or matters. Historically, these groups represented about 10 per cent of the volume of complaints coming to this office. Since implementing this strategy in January 2003, we have declined to investigate over 200 complaints (132 local government, 74 professional association).

In the Special Financial Report, I advised that if the additional 20 per cent cut for fiscal 2004/05 was adopted, in January 2004 our office would stop investigating complaints about schools and school boards, hospitals and health authorities, colleges and universities and the Workers' Compensation Board.

Although the committee did not alter its recommendation for fiscal 2004/05, I am pleased to advise that we were able to lessen the impact of the cuts. As of January 2004, we are continuing to investigate all those authorities but have established a waiting list for school and school board, hospital and health authority, and college and university complaints. These complaints are held in a queue and assigned for investigation when workload and resources allow. Unfortunately, in 2004 we continue not to investigate local government authorities and professional associations except in unusual or extraordinary circumstances.

In 2003, we relocated our Victoria office to 756 Fort Street and prepared to close Vancouver as a public access office (effective April 1, 2004). We chose to reduce "space costs" to concentrate our resources on our investigative responsibilities. The relocation of our Victoria office permitted us to share two meeting rooms, one interview room, a lunchroom and a general reception with the Information and Privacy Commissioners Office (IPC) and the Police Complaint Commissioner's Office (PCC). We have a shared services agreement for our office to provide both corporate support services (finance, human resources, etc.) and information technology support services to IPC and PCC. In Vancouver, we share limited office space with PCC at 1111 Melville Street.

As a consequence of our closing the Vancouver office as a public access office, we have created six telecommuting positions - five investigative positions and one intake position. We have also established a "mobile intake office," which will travel to various locations around the Lower Mainland on a regular basis. This will allow us to continue to provide in-person access to our office for the residents of this region. Our intake statistics indicated that although the Lower Mainland has 59 per cent of the population of British Columbia, it only provides 42 per cent of the volume of complaints to our office. It is my hope that this new initiative will not simply replace the public access previously provided by our Vancouver office but will improve our accessibility to the public. We continue to provide access by telephone (1-800-567-3247, which represents about 85 per cent of our initial contact), by fax (250-387-0198), over the internet (www.ombudsman.bc.ca) and by mail.

For the first time in 2003, we conducted an environmental scan of the office. Four separate surveys were carried out by BC STATS: the general public were asked about their knowledge and awareness of the office; complainants and authorities were asked about the complaint investigation process (two separate surveys); and staff were asked about their level of satisfaction with the workplace.

In the general public survey, 400 people were randomly selected to answer a telephone poll. A total of 73 per cent of those surveyed had heard about the Office of the Ombudsman but only 19 per cent knew what the office did. This suggests that although there is a high "name recognition" for the office, there is low "product recognition."

In the complainant survey, 48 per cent of complainants were satisfied with the process of the investigation. There was a high correlation between satisfaction with the outcome of the investigation and satisfaction with the process (91 per cent of those who agreed with the outcome of the investigation were satisfied with the process, while 26 per cent of those who disagreed with the outcome were satisfied with the process). However, there was a high level of satisfaction with respect to access and accessibility (90 per cent and 84 per cent respectively).

In our survey of authorities, 88 per cent were satisfied with the process of the investigation. Again there was a high correlation between outcome and satisfaction with process (94 per cent of authorities who agreed with the outcome were satisfied with the process while only 6 per cent of authorities who disagreed with the outcome were satisfied with the process).

We will be reviewing the information in the survey of complainants and authorities to identify areas where we can improve service. The strong correlation between outcome and satisfaction is a phenomena identified by other ombudsman offices that have conducted similar surveys.

The results of our employee survey showed that 87 per cent were satisfied or very satisfied with their job and 56 per cent were satisfied or very satisfied with their work environment. The lower rating with respect to work environment partly reflected the changes occurring in the restructuring of the office, in particular the changes with respect to the Vancouver office.

A third set of numbers we generate provides information about the number of files we have. In 2003, our office processed 9,855 intakes, including 3,862 requests for information and 5,993 requests to conduct investigations. These numbers represent approximately 426 fewer intakes than in 2002. In 2003, investigators were assigned 2,031 files for investigation and 2,100 files were closed. For the first time since 1999, the number of files assigned to investigators was almost equal to the number closed. This is also reflected by the fact that at the end of 2003, we carried over 278 files compared to 361 in 2002 (230 of the 278 files were open less than one year).

This suggests that in 2003 we reached a state of equilibrium, opening and closing a relatively equal number of files. The challenge will be to maintain this equilibrium in 2004 with fewer staff.

A fourth set of numbers concerns the types of complaints that come to our office. In June of 2003, I spoke at the Council of Canadian Administrative Tribunals 19th Annual Conference. I identified some of the types of complaints we receive. For example, approximately 18 per cent of the cases we investigate involve issues of unreasonable delay. This type of complaint usually arises when an authority either will not or cannot advise a party how long it will take before a decision is made or before the next step in the process occurs. When investigating this type of complaint, our focus is not just on the legal effect of delay (i.e., has a person been prejudiced in their ability to make their case?), we also focus on "good administration." Often in these types of cases, there has been a breakdown in the

communication between the complainant and the authority. We look at ways to improve communication both to resolve the immediate complaint and to prevent future "delay" complaints.

Another type of complaint involves unfair procedure (about 20 per cent), which includes issues such as inadequate notice, denial of adjournment of a hearing, or inadequate opportunity to participate. In these cases, a new hearing is often required.

A further ground for complaints is the provision of inadequate reasons or the refusal to give reasons for a decision. These complaints are often resolved by ensuring proper reasons are given.

A fifth and final set of numbers to look at is our performance measures. In 2002, after extensive discussion and review by all staff, a comprehensive set of performance measures was adopted. Some of these measures related solely to internal matters, and others related to matters affecting the public. For example, for 2003 we set a target goal of having less that 15 per cent of our open files more than one year old. Our goal has been to reduce the percentage of older files from 20 per cent in 2002 to 10 per cent in 2004. In 2003, 17 per cent of our open files were more than one year old. We missed our target by only seven files!

We also set up performance measures for closing files in a timely way - 70 per cent closed within 90 days, 85 per cent within 180 days, 90 per cent within one year, 95 per cent within two years and 100 per cent within three years. In 2003, our numbers were, 83, 91, 96, 98 and 99 per cent, respectively. Meeting and exceeding our target goals for timely investigations in a period of change and transition is an outstanding achievement. More details about our performance measures for 2003 can be found in the statistics section of this report.

All these sets of numbers indicate that in 2003 we operated in both an efficient and effective manner. However, these figures don't tell the whole story.

Qualitative Approach - Measuring the Unmeasurable

Although the results of the numerical analysis presented above demonstrates we operated at a high level of efficiency and handled a large volume of complaints and inquiries, it is a challenge to demonstrate the office's effectiveness. What is meant by "effective"? Clearly, we have been effective in a number of individual cases. Part II of this report, like previous annual reports, contains a number of case summaries where, as a result of our investigations, authorities have reconsidered their actions and changed decisions. Some examples include: the Ministry of Human Resources' willingness to cover the cost of dental work under an expired program due to its delay in processing the claim; the Ministry of Health's willingness to cover the cost of two private MRI scans in extenuating circumstances; the Employment and Assistance Appeal Board's willingness to hear a matter again due to a problem in communicating the date of the hearing; and a school board's willingness to reconsider and grant a late application for a boarding allowance because of erroneous information previously provided by staff. In each of these cases, our office has been effective in obtaining a positive outcome for the complainant. These summaries demonstrate that on an individual case level, the office has been effective.

A further measure of effectiveness, and one adopted by this office as a performance measure, is the number of complaints investigated that have led to a positive change in practice, policies, statutes or regulations. In these situations, the outcome often results in

a change that is of benefit to the original complainant and should prevent similar complaints in the future. In Part II of this annual report, we provide case summaries that include: the Ministry of Human Resources agreeing to waive debt collection where it appears the complainant was prejudiced by the ministry's delay in enforcement; the Ministry of Public Safety and Solicitor General's willingness to review the legislation and regulations with respect to the Travel Assurance Fund to remove discriminating provisions; the willingness of a provincial correctional centre to change its mail-handling policies to advise individuals when their incoming mail has been rejected; and the decision to include a statement about different time zones in the provincial court "Notice of Hearing" forms. These are all examples of situations where the outcome of an investigation has resulted in positive change that will impact a large number of people. For 2003, the percentage of investigative files that resulted in change to practices, policies, statutes or regulations was 8 per cent, another measure of effectiveness.

This office has also promised, as a measure of effectiveness, to report on the number of investigations where the authority refused to accept our recommendation with respect to an investigation. Our target is zero and until 2003, we had met that target every year since 1999. Unfortunately in 2003, there were two instances where authorities refused to accept our recommendations after a finding of unfairness. One involved the Greater Victoria Public Library and its meeting room policy. In March 2003, I issued Special Report No. 23: "The Right to Know - A Complaint about the Greater Victoria Public Library Meeting Room Policy." I regret that the library was unwilling to put in writing its policy regarding renting of its meeting room. By putting the policy in writing, everyone would know what the policy is. I remain, to this day, mystified by its refusal. The accountability for this refusal lies with the Board of the Library and the various municipal councils that appoint members of the board.

The second refusal is outlined in the case summary on page 40 of this report. This too involves a local government authority that refused to implement a recommendation. We recommended that Lakeview Irrigation District reimburse the complainant for expenses incurred in seeking to comply with conditions imposed by the district (which our office believed to be beyond the power of the district to impose), or that the district take immediate steps to remedy the unlawfulness by actively seeking a legislative solution. As neither was forthcoming, we had to close the file as substantiated, but not resolved. On the other hand, we had over 452 cases where an authority was prepared to settle a complaint on the basis of our investigation.

Are there other ways to measure our effectiveness? Educating the public about issues of fairness and the work of our office may be considered as a positive outcome. In 2003, we issued two reports intended specifically to inform the public about the work of the office and its experience in particular areas. The first, Public Report No. 42: "Code of Administrative Justice 2003," was intended to assist the public and authorities in understanding how our office interprets or applies the Ombudsman Act. Specifically, it gives an outline and discussion of key terms relating to the issues of fairness. It updates a code developed in 1982 by the first B.C. Ombudsman, Karl Friedmann.

The second public report, Special Report No 24: "Acting in the Public Interest? Self Governance in the Health Professions; An Ombudsman Perspective" was a report about

our ten years of experience in investigating complaints about the self-governing bodies of the health professions. This report outlined the types of issues we have investigated and reinforced the need to ensure that the "public interest" is considered by such bodies. It further warned of the impact of the budget cuts on our ability to continue to be an independent review body able to address complaints about the actions of such bodies.

Another way I try to make the public more aware of the operations of the office is through "Provincial Tours" I take each year. In 2003, along with two investigators, I travelled to the Kootenays for one week, setting up mini-intake offices and meeting with members of the media and making public presentations to Rotary, Lions and Kiwanis groups. I also met with a number of authorities, including local ministry staff, and local government and school district representatives. We travelled to Fernie, Cranbrook, Creston, Nelson, Castlegar and Trail. Since we are only in each community a short time, we advertise when we will be in the area and people make appointments or drop-in. Like the "mobile intake" being established in the Lower Mainland, these tours provide an opportunity for British Columbians living outside Victoria to meet with my staff in person. The media coverage and public presentations inform people about our office, what we do, and how we may be able to help. Public awareness of the office is important as it ensures that people make an informed decision about how they will challenge an authority that they believe has treated them unfairly. Our office is one option they may consider. As in past tours around the province, we were treated extremely well and people appreciated our coming to their communities. I want to thank the residents of the areas we visited for their hospitality and thoughtfulness.

A new approach to increase public awareness about our office was initiated in 2003/04. In partnership with the Knowledge Network, we developed three, five-minute videos about the work of the office and some of the cases we have investigated. These videos will be shown on the Knowledge Network in the spring and summer of 2004. They will also be accessible on our website. In addition, curriculum material for Socials 11 and Law 12 has been developed. Teachers of these subjects may choose to incorporate the videos and teaching materials into their classroom program. Viewing the videos or studying about the office in school creates a greater awareness and appreciation for what we do.

Another indicator of effectiveness is the support the office received when the budget reduction of 35 per cent was announced and the consequences of the impact were determined. Both the BC Civil Liberties Association and the Union of British Columbia Municipalities expressed opposition to and concern about the level of the budget reduction and in particular, its impact on local governments. A number of local governments wrote to the Premier, to MLAs or to the committee reviewing our budget to express their concern. I received letters from the Village of Montrose, District of Sparwood, Township of Spallumcheen, District of Campbell River, District of North Cowichan, Village of Pemberton, District of Chetwynd, District of Logan Lake, Regional District of East Kootenay, Village of Ashcroft, City of Trail, Village of Nakusp, District of Elkford, and the Regional District of Kitimat-Stikine. I also received letters of support from the Kootenay Lake School District and the College of Physicians and Surgeons of BC. As stated in one letter, "The Office of the Ombudsman plays a very important role in ensuring that citizen's views are heard. It provides taxpayers with a level of comfort

knowing there is a neutral party to which they can voice their concerns without incurring large expense to hire legal counsel." In general, the letters recognized the value of the office to the citizens of BC and encouraged the committee and the government to reconsider the extent of the budget cuts. I appreciate the level of support shown for our Office through these letters.

Lastly, our effectiveness may be judged, in part, by the responsiveness of the provincial government to address our concerns about "outsourcing, contracting out and privatization." As government reorganizes and restructures the services it once delivered, concerns have been raised about our ability to continue to investigate these "outsourced or contracted-out services." In the past year, I have written to both the Minister of Health and the Minister of Provincial Revenue on these issues. I wrote to the Honourable Colin Hansen, Minister of Health, seeking assurances that the Office of the Ombudsman will continue to have jurisdiction to receive complaints of administrative unfairness in relation to the operation of the Medical Services Plan and Pharmacare should parts of those operations be handled by private corporations. I received such assurances. Similarly, I wrote to the then Minister of Provincial Revenue, Bill Barisoff, regarding the possibility of transferring the administration of debt collection for the province to outside sources and the possible impact on our continued jurisdiction to investigate complaints of administrative unfairness in regards to debt collection. Again, I received assurances that our office will continue to be able to investigate complaints about debt collection. Further, the government has indicated a desire for our office to continue to have jurisdiction over other agencies being established to carry out work previously done by provincial ministries, such as the Safety Authority and the Business Practices Authority. All these actions suggest that our office is considered by the legislature and the executive as being an effective resource for hearing and reviewing complaints of administrative unfairness.

I believe that this qualitative review demonstrates that we are achieving the vision of the BC Ombudsman Office - "Fairness and Accountability in Public Administration in British Columbia."

Conclusion

This report outlines how 2003 was a year of immense challenge and change. We met these challenges and responded to the changes as we continued to deliver high-quality service. We were efficient and effective. The challenge in 2004 is to continue to provide that high-quality service with even fewer resources. I am confident we will meet this challenge.

CASE SUMMARIES

INTRODUCTION

I am frequently asked when speaking about the work of the office to give examples or illustrations of what we do. We investigate over 2,000 complaints a year using a confidential process — the only communication that normally occurs is between our office and the complainant, and our office and the authority investigated. The annual report allows me to illustrate for both the public and members of the legislature the wide variety of issues we investigate each year.

Some of the cases we investigate only impact directly on the authority and the individual complainant. The outcome of the investigation is specific to the individual case. Two illustrations of this are the "Home Support" case where the home-support needs of the complainant were reassessed and the "Student Loan" case where the missing certificate was found. In these cases, although the resolution is limited to the specific facts, there is also an indirect public benefit of making the authority more aware of fairness issues.

Some of the other cases we investigate have a more direct benefit to the public. Although the investigation may have been initiated by a single complaint, the resolution or outcome has broader applications beyond the one case. The outcome results in a change to the policy or practices of the authority, which provides a benefit to a larger number of people. The case summaries involving the debt collection policy of the Ministry of Human Resources or the revision of the "Notice of Hearing" forms to show different time zones are two examples of changes to practice or policy that should benefit the public generally.

Two of the case summaries warrant special attention. The first is the case of the damage to property arising from the actions of children in care. On occasion, children in care may damage the property of an innocent third party. As a fundamental issue of fairness, who should bear that economic loss — the third party or the broader community, as represented by the State? Although the State has decided through legislation to deny legal liability and shift the risk of loss onto the third party, from a fairness perspective this seems unduly harsh. The State's actions to protect the children is intended to benefit both the children and the State, so the damage caused by the children should be the responsibility of the State, or shared between the State and the third party. I have raised the issue with the Ministry for Children and Family Development but have been unsuccessful in convincing them to change their view.

The second case involves the Lakeview Irrigation District. It is an unusual case because it illustrates that rare occurrence when an authority is unwilling to adequately address an unfairness identified by this office. Although our office has broad investigative powers and we are able to obtain extensive information about the complaint, if we believe that unfairness has occurred, we are only able to make a recommendation to the

authority. We cannot order an authority to reconsider a decision or to change its practice, policy or procedure. Instead, we rely on our persuasiveness and the reasonableness of our recommendation and on the authority's willingness to be responsive and to act fairly. It could be argued that our inability to convince an authority to accept our finding of unfairness or to adopt appropriate measures to address unfairness represents a "failure" on our part. In my view, the unwillingness of an authority to accept the results of our investigation and to implement our recommendation represents a failure on the part of the authority. Our office has done all that it has been mandated to do. We have investigated the complaint, made findings of unfairness and recommended a resolution. It is the authority, in this case the Lakeview Irrigation District, which must now explain why it will not accept the results of an independent impartial investigation. In those rare instances where an authority refuses to accept the results of our investigation, the authority should be asked why it refuses and should be accountable publicly for its failure to accept our recommendation.

I have often been told that the case summaries are the most interesting part of the annual report and I hope this year's summaries will be interesting, informative and thought provoking.

Ministry of Health Services (Medical Services Plan)

MSP refuses to pay for MRI scans from private facility; scans reveal life-threatening condition

MSP AGREES TO PAY FOR PRIVATELY FUNDED MRI SCANS

The Ministry of Health Services denied Mr. A's request to be reimbursed for two medical resonance imaging (MRI) scans that were necessary because of a serious life-threatening medical condition.

Mr. A said that he received regular medical attention for a serious neurological condition and consulted his specialist after experiencing unusual pain in his legs. Diagnostic testing was required, and the specialist made attempts to arrange a publicly funded MRI. Mr. A understood from discussions with his neurologist that the need to identify the source of his pain was urgent and that there was a question as to whether a publicly funded MRI scan would be available in time to meet his need. To facilitate a diagnosis, Mr. A decided to purchase an MRI scan from a private facility. As a result of the scan, specialists identified a massive spinal tumor that was surgically removed two days later. When a further MRI scan was required, Mr. A again decided on a privately funded scan.

According to Mr. A, the Ministry of Health Services informed him that by opting to obtain the MRI scans in a private facility, he was also opting to pay for them. The ministry noted that specialists and diagnostic facilities were able to prioritize patient appointments based on the relative urgency of requests and that if there was an urgent need for diagnostic services, there were mechanisms to provide those services in a timely manner.

Unfortunately, Mr. A's neurologist did not formally requisition an MRI scan from either of the public facilities that he consulted, and we could not locate records of the neurologist's oral communications. Without knowing what information was exchanged between Mr. A's specialist and the public diagnostic facilities, it was unlikely that any reliable conclusions could be drawn regarding the adequacy of the process that determined Mr. A's relative priority for the MRI scans. Nevertheless, it seemed that the process did not function as intended.

Mr. A's specialist wrote to us and described in detail the urgency of Mr. A's need for the MRI scans, as well as the very dire consequences of not meeting that need in a timely way. Although we could not identify any specific shortcoming in the assessment of Mr. A's need for an MRI scan, there were reasons to question the adequacy of the ministry's process for ensuring Mr. A received an MRI scan in a timely manner.

Following considerable consultation, the ministry acknowledged that Mr. A's circumstances were extraordinary and that publicly funded MRI scans should have been available to him. On that basis, the ministry agreed to settle the complaint by reimbursing Mr. A for the full cost of the MRI scans he purchased.

Ministry of Health Services (Medical Services Plan)

MSP refuses to pay medical bills for adopted baby

MSP WAIVES WAITING PERIOD FOR OUT-OF-PROVINCE ADOPTION

Ms. A complained that the Medical Services Plan refused to pay for doctor's appointments for her newly adopted baby.

Ms. A advised us that following her daughter's arrival in British Columbia, she applied for Medical Services Plan coverage for the infant. In the three months immediately following the adoption, she took the infant to the doctor on several occasions. The doctor submitted the claims for the visits to MSP. However, Ms. A was subsequently informed that the claims were denied due to a three-month waiting period for eligibility. Ms. A said that she was under the impression that children born in British Columbia were eligible for coverage immediately and questioned whether it was fair to impose the waiting period in her daughter's circumstances.

Following consultation with this Office, MSP reassessed the eligibility of Ms. A's daughter for medical coverage and determined that the infant was eligible as of the date she arrived in British Columbia. MSP settled the complaint by extending the coverage and agreeing to reimburse Ms. A for the cost of medical services received by her daughter in the three months following her arrival in British Columbia.

Ministry of Health Services (Medical Services Plan)

Difficulty making contact and delay problems at MSP

OMBUDSMAN INVESTIGATES MSP'S SERVICE-DELIVERY PROBLEMS

Section 10(1) of the Ombudsman Act gives the Ombudsman the power to initiate an investigation even if a complaint has not been made to this office by a member of the public. An "Ombudsman-initiated" investigation can also be a convenient mechanism for the investigation of multiple complaints about the same issue.

In the spring of 2003, following many complaints to this office about the Medical Services Plan's poor service, we decided to initiate an investigation. The complaints focused on two general concerns. The first was the considerable difficulty in contacting MSP by telephone. The second was the long delays at MSP in processing correspondence, including applications for and corrections to coverage, and applications for premium assistance. Some persons experienced collection action while their applications for premium assistance were sitting at MSP unprocessed. Although we were able to address each of these complaints on an individual basis, we were concerned about the underlying problems that seemed to cause a continuous stream of such complaints. We wanted to ensure these underlying problems were being addressed.

MSP officials met with the Ombudsman's office and explained that they had lost 45 per cent of their staff at a time when they were

receiving 800,000 pieces of mail annually, and 30,000 to 40,000 daily calls to their switchboard. Several public-access offices were eliminated, which increased the volume of telephone calls and correspondence. At the same time, a higher threshold for premium assistance increased the volume of applications. MSP's response was to initiate a number of measures, including redesigning work processes and using more automation for transactions.

Subsequently, the Minister of Health Services announced the government's intention to have a new service-delivery model for some aspects of MSP and Pharmacare operations, citing the very significant backlogs and need for improved service through automation and technology. In view of the administrative initiatives already underway, which appeared to be having some impact on reducing the backlog and increasing effective public access, and in view of the new service-delivery project, there appeared to be no benefit to further active involvement on the part of our office. Although we have discontinued our primary investigation, we are continuing to monitor the situation on a quarterly basis.

The minister's press release stated that the government would continue to retain full responsibility for all MSP services, and would be fully accountable for program policies and for the quality of services delivered through the new model. We have been assured that this office will continue to be able to accept and investigate complaints about the administration of the programs and services provided by MSP.

Ministry of Health Services (Medical Services Plan)

Unreasonable delay in eligibility for health care benefits

MSP BACKDATES COVERAGE TO RECTIFY DELAY IN ELIGIBILITY FOR BENEFITS

A woman living in B.C. on a limited work permit complained that a Ministry of Health Services' decision delaying her eligibility for Medical Services Plan benefits was unfair. Ms. L stated that an employee at the MSP Call Centre told her she would have to undergo a further three-month waiting period for medical coverage given Canada Immigration's delay in issuing a new work permit prior to the expiration of her old one. The woman said she applied for her new permit in a reasonable timeframe, but a backlog at Canada Immigration caused her permit to be issued later than the normal 30 days. She said she was injured in a bicycle accident and might require surgery. She didn't know if surgery would be possible without medical coverage.

When notified of this complaint, MSP personnel took immediate steps to rectify the situation. MSP coverage was backdated to conform to the effective date of Ms. L's renewed work permit. In addition, Ms. L was advised that she could submit any invoices for medical care received after that date.

We were informed that steps were taken to prevent further problems of this type. Apparently, Ms. L's question about her coverage should have been transferred to MSP's Benefits Services personnel, where staff has the expertise to deal with such enquiries. Call Centre personnel have now been provided with information on the proper procedure to follow in such cases.

Ministry of Health Services (Pharmacare)

Pharmacare denies payment for medication required to treat serious medical condition

PHARMACARE APPROVES PAYMENT FOR EXPERIMENTAL PRESCRIPTION DRUGS

Ms. M complained that Pharmacare acted unfairly in refusing to approve payment for medication prescribed by her specialist. Ms. M advised us that she suffered from two debilitating and very painful conditions: rheumatoid arthritis and Crohn's disease. She said that she was treated with a number of different prescription drugs, but they were not effective. A specialist prescribed an experimental drug regime, which restored her quality of life to a considerable degree, enabling her to work once again and enjoy recreational activities. As the drug regime was very expensive, Pharmacare would only pay for it through the "special authority" process.

The special authority process limits Pharmacare coverage for certain very expensive drugs where less expensive but equally effective alternatives are available. In order to obtain special authority for coverage, the prescribing physician must contact Pharmacare to explain the rationale for the use of the drug. Since the program was introduced, Pharmacare has provided physicians with comprehensive information about the program, and also maintains a website. Occasionally, physicians may overlook the need to make a special-authority application, or to renew the authority if it expires. When this occurs, the patient has to pay the full price for these typically very expensive drugs, until the special-authority status is obtained. Because the approval process involves only the physician and Pharmacare, the patient often does not even know that a drug requires special authority or whether the physician has made an application. The patient has almost no control over or input into the process, and yet bears the consequences if it breaks down.

In Ms. M's case, special authority was originally obtained but lapsed. However, the patient did not become aware of this until she received a letter from her private extended health benefits insurer advising her that she had reached the lifetime maximum and that her private coverage was therefore terminated. She was faced with a cost of almost $5,000 for a five-week supply of the drugs. She eventually learned that when the Pharmacare coverage had lapsed, her health care plan had picked up the tab for some years, which resulted in her private coverage reaching the lifetime maximum.

She then attempted to have the Pharmacare special authority reinstated. In the course of many phone calls to Pharmacare, she never spoke with the same staff member twice and she received conflicting and confusing information. Her specialist tried to provide all the information Pharmacare required, but when the problem was still not resolved, Ms. M requested our assistance.

The Executive Director for the Pharmaceuticals Division of Pharmacare fully acknowledged the difficulties the complainant had experienced. Pharmacare granted special authority for the prescriptions and agreed to backdate coverage for a two-year period. The complainant was refunded almost $20,000, which allowed her to reimburse her private insurer, who then reinstated her coverage.

Health Authority

Inadequate home support for person requiring long-term care

HEALTH AUTHORITY RESOLVES CONCERN ABOUT INADEQUATE HOME-SUPPORT SERVICES

An elderly woman, Ms C, complained that her local health authority failed to provide her with adequate home-support services. She said that her husband was recently placed in a care facility, but she remained at home with a number of different medical problems that made it increasingly difficult for her to cope on her own.

Ms. C noted that most recently, problems with her knees made it impossible for her to transfer herself into her wheelchair to get to the washroom. This led to concerns about personal hygiene. Both her home-support case manager and her physician seemed unsympathetic, telling her she was not trying hard enough to cope on her own. She wanted an immediate increase in her home-support hours, but her goal was to obtain a bed in a care facility, for she felt that even with adequate support she could no longer cope at home.

Ms. C had limited interpersonal skills, and it seemed possible that her somewhat confrontational manner might have obscured her real need for additional help. We advised the health authority of the complaint and were pleased with the immediate and helpful response. Ms. C's home-support needs were re-assessed immediately and her hours were doubled. A further assessment was conducted some days later and her hours were again increased. In the meantime, the health authority placed her on the waitlist for the first available long-term care bed in her community and a place was found for her only a few days later.

Ministry of Human Resources (Health Assistance Branch)

Ministry's delay results in refusal to pay for dental work

DENTAL WORK COMPLETED AFTER HEALTH ASSISTANCE BRANCH ACKNOWLEDGES DELAY

Ms. R, a woman with Disability Benefits II status, complained that the Health Assistance Branch acted unfairly in denying her dentist's application to exceed the annual limit for dental coverage under the Pre-Authorized Dental Program. Ms. R advised us that the decision was based on an amendment to legislation, effective July 1, 2002, that resulted in the discontinuation of the Pre-Authorized Dental Program. She stated that her dentist made the request seven months prior to the legislative change and that the problem occurred as a result of undue delay by the ministry in processing the request. Ms. R was indebted to her dentist after he proceeded with the dental work, fully expecting his application to be authorized. She also required further dental work that her dentist refused to perform until the outstanding bill was paid.

The Health Assistance Branch initially recognized that the delay was due to a claim-form processing error. However, the branch attributed its error to the dentist's failure to provide information on a standard claim form. It took the position that, notwithstanding the delay on the branch's part, Ms. R's application could not be processed once the legislation was changed and the Pre-Authorized Dental Program no longer existed.

Our office pointed out that the branch already received and recognized the dentist's application for the work to be done, and it was only when he was asked to provide further information that the error in processing the application was made. We noted that although the branch had sufficient opportunity to request that the dentist re-apply using a specific form, it did not. We questioned whether it was reasonable to penalize the ministry client for her dentist's failure to follow a process of which he was not made aware.

The ministry agreed to pay the balance of the Ms. R's dental bill in recognition of the errors and misunderstandings that occurred.

Ministry of Children and Family Development

MCF's responsibility for damage caused by foster children

MINISTRY DENIES COMPENSATION FOR PROPERTY DESTRUCTION BY CHILDREN IN CARE

Section 10(1) of the Ombudsman Act gives the Ombudsman authority to investigate, on his own initiative, a matter of administration by an authority that aggrieves or may aggrieve a person. The following describes an investigation that was initiated after a government ministry refused to mitigate the damages for the destruction of property by children in its care.

An isolated cabin was vandalized and burned down by two boys from a neighbouring property. The boys, both under the age of 14, were wards of the Director, Child and Family Services. The cabin owners sued the ministry, the special-care foster parents and the two boys for damage to the property. The cabin was not insured.

Allegations were made in court that the boys were not adequately supervised and were placed together even though little information was available regarding one of the youths who was recently transferred from Ontario.

At trial all parties were found liable. The court concluded that as it was reasonably foreseeable that people could be harmed by the actions of youths in a neighbour's care, the Director owed a duty to the cabin owners. The court held that the superintendent was negligent in placing the two boys together and that a statutory immunity clause did not apply to negligent acts.

Both the Director and the special-care foster parent were successful on appeal. The Director was able to avoid liability by relying on an immunity clause in the governing legislation that limits liability for anything done in good faith in the exercise of its powers, including negligent actions.

We questioned the ministry's reliance on this clause. In correspondence, and at a meeting with the Deputy Minister, we asked whether, as a fundamental question of fairness, economic loss that is caused by children-in-care should be borne solely by the blameless individual who suffers the loss, or whether the loss is better shared among the broader community, through government action. In many cases, government compensation is not required as insurance covers the losses. However, recognizing that children-in-care require and deserve a supportive community, it seems appropriate and fair that all British Columbians share in the loss in those limited cases where the risk of harm is realized and innocent property owners suffer losses.

Despite our findings and strong recommendation, the government refused to provide any form of compensation.

Ministry of Human Resources

Unreasonable delays in debt collection of security deposits

DEBTS WAIVED FOR PEOPLE AFFECTED BY MINISTRY DELAY

In October 1998, the Auditor General reported that the Ministry of Human Resources had significant debts outstanding that were not being collected. The ministry subsequently became more active in the collection of "old debts." This resulted in complaints to our office from people who said they were not aware that they owed debt to the ministry. Some people questioned why notification had taken so long. In many cases, the debt was from several years earlier. The following is one such example.

Mr. A believed the Ministry of Human Resources had erred in its claim that he owed the ministry $200 for a rental accommodation security deposit the ministry had paid on his behalf several years earlier.

Mr. A signed an agreement to repay a security deposit in the amount of $200 to the Ministry of Human Resources. He moved a short time later and requested that his landlord return the security deposit to the ministry. The ministry provided documentation to this office indicating that Mr. A's landlord contacted the ministry approximately one month later to advise he was unable to return the security deposit at that time and that he would return the security deposit directly to the ministry once he had the money.

Mr. A said he contacted the landlord on two occasions and received assurances the security deposit would be returned to the ministry. He said he also contacted his financial assistance worker, requesting that she contact him if the landlord did not return the security deposit. Mr. A assumed the security deposit was returned to the ministry, as he heard nothing further about the debt. However, approximately four and one-half years later, Mr. A received a notice from Canada Customs and Revenue Agency advising that he owed a debt incurred under the BC Benefits (Income Assistance) Act.

Although the Residential Tenancy Act provides an arbitration process to address the recovery of a security deposit, Mr. A was advised he could not utilize this process as the two-year limitation period prescribed under that Act was lapsed. Mr. A believed that the ministry's delay in notifying him of the debt limited his ability to recover the security deposit from his former landlord.

In a public report to the Legislature entitled Code of Administrative Justice 2003, the Ombudsman wrote:

Delay may be part of the exigencies of the modern state. While sometimes it may be unavoidable, it should not be burdensome, infringe on rights or entitlements or unduly affect public services. Delay is unreasonable whenever service to the public is postponed improperly, unnecessarily or for some irrelevant reasons.

Although the ministry stated that the collection of its accounts receivable was a new initiative and that the delay in contacting Mr. A and others was due to the very large number of accounts receivable at the time, it was not clear that the delay in contacting some complainants about the security deposits was unavoidable or necessary. Furthermore, it appeared the delay in

notifying persons of the outstanding debt eliminated the opportunity to access the established process that may have provided a means of recovering the security deposits paid to their landlords.

Following consultation, the ministry agreed to waive the debts in a number of cases where it appeared the complainant was disadvantaged by the ministry's delay in recovering the security deposits.

Ministry of Human Resources

Ministry denies reimbursement of funds paid by church to family in need

CHURCH RECEIVES MINISTRY HELP TO OFFSET EMERGENCY RELIEF FUNDS PAID TO FAMILY

A church pastor believed the Ministry of Human Resources acted unfairly in refusing to reimburse the church for funds used to provide emergency relief for a mother and her two children. The pastor said the church loaned funds to the woman to enable her to cover living expenses for one month.

The pastor explained that his church provided funds to allow the woman's husband to travel to his country of origin, so he might visit his seriously ill mother. The ministry discontinued paying benefits to the family and closed the file after learning that the woman's husband, the primary applicant on the ministry's file, had left the family unit. This was complicated by the fact that the woman's reapplication for benefits was not processed in time to provide income assistance benefits for the month in question.

Our investigation found that there were two causes for the delay that resulted in the ministry's failure to issue benefits to the woman for the month. The first related to the confusion around the husband's whereabouts and the expected duration of his absence. Had the husband's status been clarified with the ministry when he left the previous month, it would have been possible to commence the reapplication process sooner and possibly avoid an interruption in benefits.

The second cause of delay involved the ministry's application process. The fact that the primary applicant, the woman's husband, was no longer with the family meant she needed to apply as a single parent. In the region where the family lived, applications for income assistance are taken at "gateway" offices, which meant she had to apply at another office. We noted that the ministry's requirement that she reapply at a gateway office, and provide duplicates of documentation already on the closed file located at the issuing district office, also contributed to the delay.

Although the cause of delay could be attributable to both parties, due in large part to poor communication, we found that the ministry's original decision did not meet the Ombudsman's standard for fairness. Therefore, we considered the matter remedied when, in recognition of its role in the loss of the woman's income assistance benefits, the ministry agreed to provide the church with payment equal to one half of what the woman would have received if benefits were issued at that time. The ministry also agreed to issue a practice advisory to field staff to avoid delay in similar cases in the future.

EDUCATION

School District

Secondary school denies access to student to attend course

STUDENT GRANTED PERMISSION TO ATTEND ELECTRONICS COURSE

Ms. C complained that the principal of the local secondary school treated her son unfairly. She said her son was enrolled in an alternate program where he could work at his own pace, as he found the regular secondary school program insufficiently challenging. However, the youth wished to continue taking a course in electronics at the school and obtained the permission of the electronics teacher and the alternate program director to do so. Ms. C stated she left messages for the secondary school principal, but her messages were not responded to. She said when her son attempted to attend the course, the principal asked him to leave.

We informed Ms. C that before our office investigates such concerns, we normally suggest that the person utilize other available remedies that may lead to a resolution of the matter. In this instance, we suggested Ms. C attempt to address the issue directly with the school superintendent. We further informed her that a decision made by a school official is normally appealable to the local school board. We invited her to contact us again if she considered a response she received to be inadequate or unfair.

Subsequently the youth confirmed that the superintendent reviewed the matter, acknowledged an error had been made, and allowed the youth to take the course, thus resolving the matter.

School District

Eligibility for boarding allowance refused

SCHOOL DISTRICT REVERSES DECISION DENYING BOARDING ALLOWANCE

Ms. P complained that the school district had erred in refusing to pay for her children's boarding allowance while attending school in another district. Ms. P said she had appealed the district's decision to the school district's board of trustees, but the board upheld the district's earlier decision.

Ms. P informed us that when she originally inquired about the boarding allowance, a staff member told her the schools her children would be attending were not eligible for a boarding allowance. As a result, she did not submit an application. However, near the end of the school year she learned that the information she had received was not correct and she would have been entitled to receive the allowance. She immediately applied for the allowance, but her request was denied.

In the course of our investigation, we considered the school district's duty of care to provide accurate information to students and parents. The board of trustees agreed to review the matter further and subsequently agreed to pay Ms. P the boarding allowance.

Ministry of Advanced Education (Student Services Branch)

Ministry refuses to reissue grant funds

STUDENT RECEIVES FUNDS AFTER BEING DENIED ON APPEAL

Ms. J. complained that the Student Services Branch refused to reissue funds for a grant that Ms. J's college had returned to the branch. Ms. J explained that while she was at college she called the branch to ask about her grant. She said there were language difficulties in the conversation, but she understood the branch employee to mean that the grant would go to the college to be applied to her tuition fees. Right after graduation, she learned that this had not happened and that the college had returned the authorization to the branch. She appealed, but was told the grant could not be reissued because she had completed her diploma.

Ms. J believed the branch applied an arbitrary time limit in its decision when her circumstances were unusual and warranted special consideration. After we reviewed Ms. J's documents, we noted that the decision letter did not inform Ms. J of her option to appeal to an appeal committee and did not specify the reason(s) for refusing her request.

Student loan and grant documents usually can be negotiated (turned into money at a bank) only during the school period to which they apply. However, in response to our questions the branch agreed to reissue the grant after schooling had ended, largely because Ms. J had requested this immediately after the end of the term, and as soon as she realized the college had not applied the funds.

The branch agreed to change its decision letters to include notice of the option for a second level of appeal to an appointed committee. The change will be included in the branch's computer-generated form letters as part of the next programming update. In addition, the branch agreed to review the technical possibilities of including in these letters the specific reason(s) for a decision to deny an appeal. In the meantime, the branch offered to generate custom letters for any complex or unusual decisions.

Ministry of Advanced Education (Student Services Branch)

Ministry demands repayment of student loan and interest

INTEREST-FREE STATUS OF STUDENT'S LOAN REINSTATED

Ms. L was notified by the student services branch that she would have to begin repaying her B.C. student loan in July. She believed this was a mistake because she was enrolled in school until the end of April and, in January, had submitted the certificate required to maintain interest-free status until her return to school in the fall. She contacted the B.C. Student Loan Services Bureau about the problem, but a staff member informed her that her certificate was not received.

We discussed Ms. L's complaint with a manager at the branch. While reviewing Ms. L's loan history, the manager noted that she received funding from both provincial and federal sources. The certificate, which Ms. L had submitted, was placed with the documentation regarding her federal grant, and the information was not noted on her provincial loan file. The manager immediately advised the B.C. Student Loan Services Bureau to update Ms. L's loan file, and the request that she begin repaying her loan was cancelled.

Ms. L was very pleased that the missing certificate had been found and that her interest-free status was thereby confirmed.

Residential Tenancy Office

Denial of adjournment for residential tenancy hearing

DENIAL OF REPRESENTATION FOR PERSON WITH DISABILITY PROVIDES GROUNDS FOR NEW HEARING

Mr. X, a tenant complained about the process followed by the arbitrator in a residential tenancy hearing conducted pursuant to the Residential Tenancy Act. Mr. X stated that he requested the hearing be adjourned, but the arbitrator refused.

Mr. X explained that at the beginning of the teleconference hearing he told the arbitrator he needed an adjournment to find someone to represent him, and he tried without success to get legal aid. Mr. X said he read a note to the arbitrator from his doctor. The doctor wrote that Mr. X was unable to represent himself and needed assistance and "is not capable of constructive argument." However, the arbitrator proceeded with the hearing and found in the landlord's favour. In his decision, the arbitrator included a restatement of the landlord's suggestion that Mr. X's disability was "not so severe he can't provide a reasoned submission on his own" even though the doctor's note had indicated otherwise.

Although we had no opinion on the extent of Mr. X's capacity to represent himself, we asked the Residential Tenancy Office how arbitrators are trained to deal with situations where incapacity is asserted and what options there could be for a review of Mr X's concerns.

The manager of the Residential Tenancy Office agreed to accept Mr. X's application for a review. As is sometimes the case, once one thing goes wrong everything does, and a Residential Tenancy Office employee rejected Mr. X's application, though she had no authority to do so. We called the Residential Tenancy Office again, and the manager who agreed to send the original landlord-tenant dispute for re-hearing by the arbitrator put the matter back on track. Mr. X was subsequently unsuccessful at the hearing, but he wrote to us afterwards: "We didn't win but it was worth the effort. Thank you for your interest . . . It means more than you can possibly imagine." It meant so much to Mr. X that he was listened to and that with the help of a friend to represent him he was able to explain his situation fully to the arbitrator.

Employment and Assistance Appeal Tribunal

Tribunal denies new hearing

APPEAL TRIBUNAL APPROVES REQUEST FOR A NEW HEARING DUE TO COMMUNICATION ERROR

Ms. A complained that the Employment and Assistance Appeal Tribunal failed to inform her of the date and time of a scheduled hearing and then proceeded with the hearing in her absence.

Ms. A stated she filed a notice of appeal to the tribunal regarding her eligibility for income assistance and ticked the box on the notice of appeal document to indicate she wished to be informed by telephone of the date and location of her hearing. A few days later, the tribunal contacted Ms. A and asked about her preference for hearing type. Ms. A indicated her preference for a teleconference hearing and waited for information regarding the time and date of her hearing. When Ms. A collected her mail about one week later, she learned that her appeal had been heard by way of an oral hearing earlier that day.

Ms. A immediately contacted the tribunal. She was advised that due to an oversight on the part of the tribunal, her appeal proceeded as an oral hearing rather than by teleconference. As Ms. A had not been informed of the time and location of the oral hearing, and therefore was not available at the prescribed time, the hearing proceeded in her absence. A decision was rendered upholding the earlier decision denying her eligibility for income assistance.

Ms. A was concerned she did not have the opportunity to present information she believed was relevant to the tribunal's decision. She requested that the tribunal allow her appeal to be reheard, but her request was denied.

During our initial discussions, the tribunal advised us that it sent written notice of the hearing to Ms. A only after unsuccessful attempts were made to reach her by telephone. The tribunal noted that it operated under strict time constraints and it was necessary to write to Ms. A when she could not be contacted by telephone. The tribunal questioned whether the oversight that led to an oral hearing was significant given that Ms. A likely would have missed a teleconference hearing for the same reasons she missed the oral hearing.

To its credit, the tribunal maintained from the outset that it allows new hearings in cases where there is a significant procedural error. However, it questioned whether such an error had occurred in Ms. A's case.

As the matter to be heard by the tribunal was one of fundamental importance to Ms. A, and notwithstanding the high volume of appeals received by the tribunal and the constraints of the applicable legislation with respect to appeals, we were of the opinion that all reasonable efforts to ensure that Ms. A was aware of the hearing were requisite to a fair process.

Following consultation, the tribunal agreed that Ms. A did not expect to be informed of the time and location of her hearing by mail because she had requested to be informed by telephone. Although the tribunal was not obligated to accommodate the type of hearing preferred by an appellant, the tribunal acknowledged that Ms. A had a reasonable expectation that her appeal would proceed in a particular way. The tribunal agreed to schedule a new hearing, thus resolving the matter.

Ministry of Public Safety and Solicitor General (Travel Assurance Board)

Travel Assurance Board denies compensation to out-of-province claimant

TRAVEL ASSURANCE BOARD COMPENSATES OUT-OF-PROVINCE CLAIMANT FOR LOST DEPOSIT

A couple from Alberta complained that B.C.'s Travel Assurance Board legislation was unfair as it discriminated against persons from other provinces.

The couple said they booked the travel arrangements for their "trip of a lifetime" through a Vancouver travel agency. Unfortunately, before the trip began, the travel agency went out of business and the couple lost their $7,000 deposit. The couple submitted a claim to the province's Travel Assurance Board and was advised that their claim was rejected because of a regulation which specifically states that compensation for travel outside the province is not provided to non-residents of British Columbia.

In the course of our investigation, we determined that the Travel Assurance Fund is not funded by the taxpayers of B.C. but by the travel agents, who in turn charge customers a levy. We also determined that the Alberta couple had paid this levy on their travel package — that is, they paid into a fund but were not entitled to collect from the fund.

The concept of paying for travel insurance without the ability to collect on the insurance contravened the Ombudsman's standards of fairness. While the Travel Agents Act Regulations specifically preclude the couple from seeking compensation for their loss from the Travel Assurance Board, as they were not residents of British Columbia, we asked the ministry to consider paying the couple an ex-gratia payment for their loss.

The ministry agreed to provide the couple with an ex-gratia payment to cover the costs of the tickets. In addition, the ministry agreed to review the legislation and regulations with a view to making changes to eliminate the unfairness of restricting potential claims by out-of-province residents for out-of-province travel.

Ministry of Public Safety & Solicitor General

Delay in licensing approval jeopardizes contractor's ability to fulfill contracts

TEMPORARY LICENCE GIVES "SNIFFER DOGS" CONTRACTOR THE GREEN LIGHT

Mr. N complained that the Security Programs Division had acted unfairly in not processing his licensing application in a timely way. As a result, he was concerned he would have to forfeit a contract that would have significant financial consequences for his business.

Mr. N explained that he trains dogs to perform sensitive match-to-scent work used to "sniff out" questionable substances. Mr. N contracts with companies, such as cruise ship lines, and uses the dogs to inspect cargo at British Columbia's ports. Mr. N said that while carrying out one such inspection, a Security Programs Division inspector informed him that he needed a licence under the Private Investigators and Security Agencies Act to do this type of work. After fulfilling the necessary licensing requirements, Mr. N submitted his application and a cheque for the required fees to the Security Programs Division.

Eighteen days later, Mr. N was unpleasantly surprised when the application package was returned to him in the mail with a form noting he had failed to comply with a new requirement that cheques must be certified. Mr. N immediately obtained a certified cheque and returned his application in person to the Security Programs Division that same day. However, he was told it would be another three weeks before his licence would be issued.

Mr. N was concerned that, without his licence, he would lose a contract that was to be done within the next few days. He complained to our office that it was unfair of the Security Programs Division to delay the processing of his licence, since he had never been informed of the new certified cheque requirement.

Security Programs Division personnel informed us that recent changes made to its licence application process created a backlog situation. Although the changes, including the requirement that all cheques must be certified, were communicated to existing licence holders, we pointed out that not all forms were updated, and new applicants, such as Mr. N, would not have been aware of this requirement.

After reviewing the matter, the director of the Security Programs Division decided to issue a temporary licence to Mr. N. This permitted him to perform the job he had been contracted to do and allowed the Security Programs Division to complete its final licensing approval review process. Mr. N was very pleased that he and his dogs were able to proceed with the contract as scheduled.

Ministry of Public Safety and Solicitor General (Office of the Superintendent of Motor Vehicles)

Office does not allow reasonable opportunity to challenge vehicle impoundment

OFFICE OF THE SUPERINTENDENT OF MOTOR VEHICLES REFUNDS VEHICLE IMPOUNDMENT FEES

Ms. K filed a complaint stating that the Office of the Superintendent of Motor Vehicles erred in not providing her with a reasonable opportunity to challenge the impoundment of her vehicle. She said the problem was due to a mistake in the timing of a call from an official from the superintendent's office. Ms. K advised us that she did not have the funds necessary to recover her vehicle from the impoundment lot.

During the course of our investigation, the Office of the Superintendent reviewed the circumstances of the driving prohibition of Ms. K's husband that led to the impoundment of her vehicle. Staff discovered that the driver's licence issued to Ms. K's husband was prohibited for failing to submit medical information the superintendent had requested. The superintendent determined that Ms. K's vehicle should not have been impounded, as there was no legal authority for vehicle impoundments under such circumstances. We also learned that the superintendent's office failed to notice the prohibition was on medical grounds.

The superintendent's office took immediate action to resolve Ms. K's complaint. It paid all outstanding vehicle impoundment fees, including storage and towing charges, which amounted to over $400. The superintendent also provided Ms. K with a refund for the $100 review fee that she had paid. In addition, procedures were put in place to prevent a recurrence of this type of situation. The Office of the Superintendent noted this problem would not have been identified had Ms. K not complained to our office.

Ms. K was happy with the outcome of the matter, stating that she had felt rather "helpless" until our office intervened on her behalf.

Ministry of Public Safety and Solicitor General (Regional Correctional Centre)

Correctional centre rejects mail without telling inmate

IMPROVED CORRECTIONAL CENTRE MAIL-HANDLING PROCEDURE IMPLEMENTED

Mr. O came to our office because he was unhappy with the way his mail was being handled in the correctional centre. He was also unhappy with the investigation of his complaint by the Investigation, Inspection and Standards Office.

Mr. O informed us he had been in custody in a remand centre for many months while awaiting trial. He was dissatisfied with the response he received to his complaint that no one was advising him when the centre rejected incoming mail addressed to him. He believed the practice of rejecting incoming mail without telling him was not acceptable given that not telling him eliminated any right to protest or dispute the rejection.

He spoke with and wrote to supervisory staff in the correctional centre and wrote to the Investigation, Inspection and Standards Office. The Investigation, Inspection and Standards Office responded that there was no need for an inmate to be told when mail was rejected and that no "administrative unfairness" was created by this practice. We disagreed.

It is a basic fairness principle that those affected by a decision are informed of the decision and that they have an opportunity to respond to it. The necessary mechanics of this vary, depending on the significance and impact of a decision. In this instance, it is administratively easy and not time consuming to inform the person when mail is rejected, and, in fact, a neighbouring custody centre uses a form for this purpose. The form gives the reason for rejection (e.g., contains contraband) so that the person can decide whether to accept or to protest the decision.

After discussing the matter with the correctional centre, the centre agreed to change its practice and start using the form.

Ministry of Public Safety and Solicitor General (Regional Correctional Centre)

Institution denies permission to attend family member's funeral

CORRECTIONAL CENTRE GRANTS PERMISSION TO ATTEND FUNERAL

Those who are incarcerated cannot expect to be available to assist with family emergencies. However, when immediate family members pass away unexpectedly, persons in custody can feel helpless to provide support to the remaining family.

Mr. N contacted us shortly before noon one day with an urgent request to attend his sister's funeral the following day. He came to us because the correctional centre where he was staying denied his request to attend the funeral on an escorted temporary absence pass.

We inquired about this situation with the correctional centre and obtained a copy of Mr. N's temporary absence application and the correctional centre's decision. In the course of our investigation, we noticed that although Mr. N applied for an escorted temporary absence pass, the centre's decision made reference only to an unescorted application. We advised the correctional centre that Mr. N submitted an appeal on this matter to the director of the correctional centre and his appeal had not been forwarded to the director for his consideration.

Despite the incorrect wording in the decision, we confirmed that the centre denied his application for an escorted pass to attend the funeral, about one and one-half hours away from the correctional centre, because it was unable to provide staff to accompany him.

Once the appeal was located, forwarded to the director, and the full circumstances of the request were reviewed, the correctional centre was able to identify additional resources that could accommodate the request. The director approved an escorted temporary absence to allow Mr. N to attend the funeral the following day. The correctional centre is to be commended for resolving this situation within four hours of Mr. N contacting our office.

Ministry of Attorney General (Court Services)

Time zone confusion leads to missed court date

COURT SERVICES ALTERS NOTICE OF HEARING FORMS TO PREVENT TIME-ZONE CONFUSION

Although most of the province operates under Pacific Standard Time, part of our province operates under Mountain Standard Time. This may lead to some confusion. For example, a person contacted our office with a complaint that Court Services had treated him unfairly by failing to indicate on his Notice of Hearing form that the time specified for the court hearing was based on Mountain Standard Time and not Pacific Standard Time. Mr. X said that as a result of the time difference, he missed his scheduled court appearance.

Following consultations with the Court Services' regional director, we suggested the possibility of adding a general statement to the Notice of Hearing form indicating that time zone changes may apply.

The regional director subsequently advised us that the Court Services' Management Committee met and decided to include in their Notice of Hearing forms a general statement pertaining to possible time zone changes.

Ministry of Public Safety and Solicitor General (Regional Correctional Centre)

Termination slip required to access pension benefits

DOCUMENTATION DILEMMA RESOLVED

Sometimes seemingly odd requests come to our office that are difficult to resolve because of the interconnected responsibilities of the various public agencies involved.

Mr. F approached us because he needed a termination slip. Individuals usually ask our office why they received termination slips, but when we looked into this matter, we learned that Mr. F resigned from the public service over two and one-half years earlier. He was unable to obtain the necessary documentation to prove he was no longer a provincial government employee. He needed to present this documentation to the Pension Corporation of British Columbia in order to select the most suitable pension option. Before coming to our office, he attempted unsuccessfully to sort this matter out with his former employer, with the Pension Corporation, and with those responsible for handling payroll for his former ministry.

Within a few days of identifying which of the agencies was responsible for resolving Mr. F's problem, a notice confirming he had not been employed with the province since December 2000 was sent to the Pension Corporation. This termination slip enabled him to put his pension affairs in order, thus resolving the matter.

Workers' Compensation Board

WCB denies interest payments on retroactive, vocational-rehabilitation benefits

WCB'S POSITION ON INTEREST PAYMENT FOR RETROACTIVE, WAGE-LOSS BENEFITS CHALLENGED

The Workers' Compensation Board has had a policy for a number of years of paying interest on retroactive wage-loss payments but not on retroactive vocational-rehabilitation benefits. The Ombudsman initiated an investigation to explore the board's rationale for that policy.

The board responded that it makes a distinction between payments that are mandatory under the legislation, such as wage loss benefits that include interest, and those that are discretionary, such as vocational-rehabilitation benefits, where interest is not paid. That distinction, in our opinion, is not an adequate or understandable explanation for the board's practice with respect to paying interest.

Subsequently, the board noted that the majority of vocational-rehabilitation benefits are for programs and services with goals of returning the injured person to work, and, as such, it was not clear how interest could be calculated for such matters. We suggested that since the decision to pay vocational-rehabilitation benefits under section 16 of the Workers Compensation Act calls for the exercise of discretion, it might be inappropriate for the board to restrict that discretion with a rigid policy that says interest will never be paid on such benefits.

Upon closing our file, we gave notice to the board that we might investigate complaints in the future that involve the failure to pay interest on lump-sum payments for retroactive vocational-rehabilitation benefits, such as income-continuity payments. We said we would be looking to see if the board was truly exercising its discretion in deciding not to pay interest on such sums or whether the board was just following policy.

Insurance Corporation of British Columbia

ICBC refuses to renew insurance due to estranged husband's debt

MEDICAL CONDITION PROVIDES GROUNDS FOR EXTENDING VEHICLE INSURANCE COVERAGE

Ms. Z contacted our office when ICBC refused to allow her to insure her vehicle. She explained that the car was registered in both her name and the name of her estranged husband, who no longer had access to the vehicle. However, he had accumulated a debt consisting of unpaid fines, and ICBC would not renew the insurance until the debt was paid. Ms. Z did not believe it was fair that she should be held responsible for her estranged husband's debt. She explained it was essential that she have the use of the car because it had been specially modified to accommodate her disability.

We discussed Ms. Z's concerns with staff at the ICBC Fair Practices Review department. It was explained that because the car was registered in both names, it was an asset to which the collections department could attach the debt owed by Ms. Z's estranged husband. However, if Ms. Z were to submit information from her doctor regarding her need for the car for medical reasons, ICBC would reconsider her case.

BC Hydro

Refusal to reconnect power and provide apology for the error

DELAY IN ELECTRICAL RECONNECT CORRECTED

Ms. A complained that BC Hydro acted unfairly in failing to reconnect her electrical service even though she had made a significant payment towards her outstanding account.

In the course of investigating this matter, we learned that Ms. A's power was reconnected shortly after she contacted our office. However, Ms. A had gone an additional three days without electrical service as BC Hydro personnel had reconnected the wrong electrical meter in her apartment complex. BC Hydro issued the complainant an apology and acknowledged that an error had occurred and, as a gesture of goodwill, reimbursed her for the reconnection charges.

BC Hydro

TV damaged by power surge

BC HYDRO REPLACES TV DESTROYED BY POWER SURGE

Mr. Y complained that BC Hydro had erred in refusing to pay for the replacement of his television that was damaged beyond repair by a power surge caused by a downed power line. Mr. Y believed he should not have to pay for a new television given he did nothing to cause the problem. Unfortunately, the contents of the home were not insured.

Mr. Y informed us that during a severe windstorm a branch fell onto a high voltage line near his house. The branch burst into flames and knocked down the power line, which then made contact with the cable line. The cable line carried a high voltage power surge to Mr. Y's new 36-inch television, destroying the television. In addition, the burning branch caused a grass fire on the city property in front of Mr. Y's home, and the fire department was called to put out the fire.

BC Hydro stated that its liability is limited to situations involving equipment failure, and as this incident was considered to be "an act of nature," it could not provide Mr. Y with compensation for his television. However, in the course of our investigation it was determined that BC Hydro had repaired the fire damage to the grass on city property and had laid new sod.

Given that it had been willing to pay for new sod for the city, BC Hydro agreed to cover the costs of a new television, providing Mr. Y with a payment of $2,000.

Lakeview Irrigation District

Lakeview Irrigation District refuses to change an unfair practice

IRRIGATION DISTRICT REFUSES TO CORRECT UNFAIRNESS

Mr. Z filed a complaint that the Lakeview Irrigation District acted unfairly in requiring that he install and pay for "excess or extended services" as a condition of approving his application to subdivide land.

Excess or extended services are those services that reach beyond the actual parcel of land being subdivided, and are usually in the form of a water, sewage or drainage system. Normally, when local governments require payment for excess or extended services the owner is reimbursed for some of the costs when someone else connects to these services and is at that time charged what is known as "latecomer fees." However, when Mr. Z applied for latecomer fees, the irrigation district told him it did not have authority to charge latecomer fees to the owners who had connected to the extended services he had provided.

Our investigation disclosed that the provisions of the Municipal Act, in effect at the time of Mr. Z's application for subdivision, did not empower irrigation districts to require provision of extended services and to assess costs. While the Municipal Act empowered "local governments" to do so, we noted that the Municipal Act referred specifically to "municipality" or "regional district" in its definition of "local government." We found that there was no specific reference in the Municipal Act to "irrigation district" as a form of local government for the purpose of charging excess or extended services.

Therefore, the Ombudsman made a finding that the Lakeview Irrigation District bylaws that required Mr. Z to provide extended services were based on a mistake of law, as the irrigation district was not authorized to enact such bylaws.

Subsequently, the government introduced Bill 14, which included a provision granting irrigation and improvement districts the authority to require "excess or extended services." The amendments embodied in Bill 14 were later incorporated into the Local Government Act. However, we felt that these amendments did not correct the irrigation district's lack of lawful authority at the time it required Mr. Z to provide extended services.

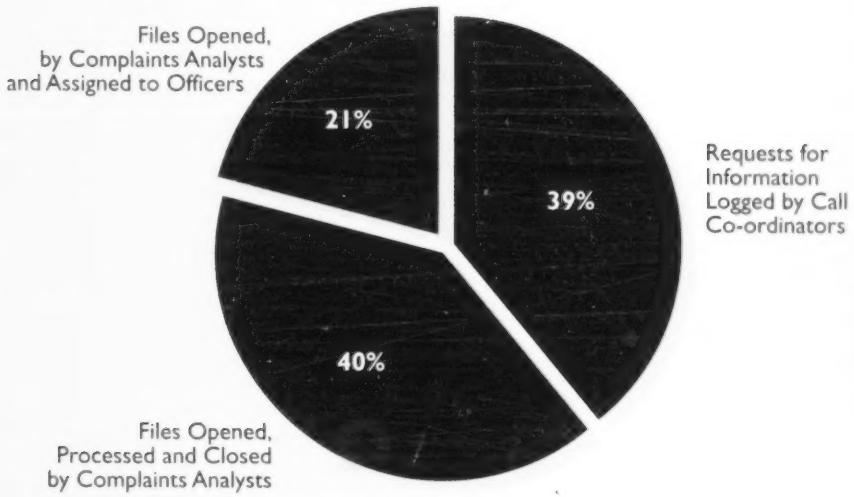
Following discussions with this office, the irrigation district requested that the Ministry of Community, Aboriginal and Women's Services give consideration to enacting a regulation under the Municipal Enabling and Validation Act to validate the past practices of the irrigation district and other improvement districts. The ministry responded that such legislation is usually invoked when there is a "significant provincial interest" or "where there would be serious consequences for a local government in relation to a decision that was made without legal authority."

Lakeview Irrigation District had informed this office of the prospective negative financial impact on the irrigation district in the event that the complainants and other developers were to seek retroactive reimbursement of costs incurred for the installation of extended services. We suggested

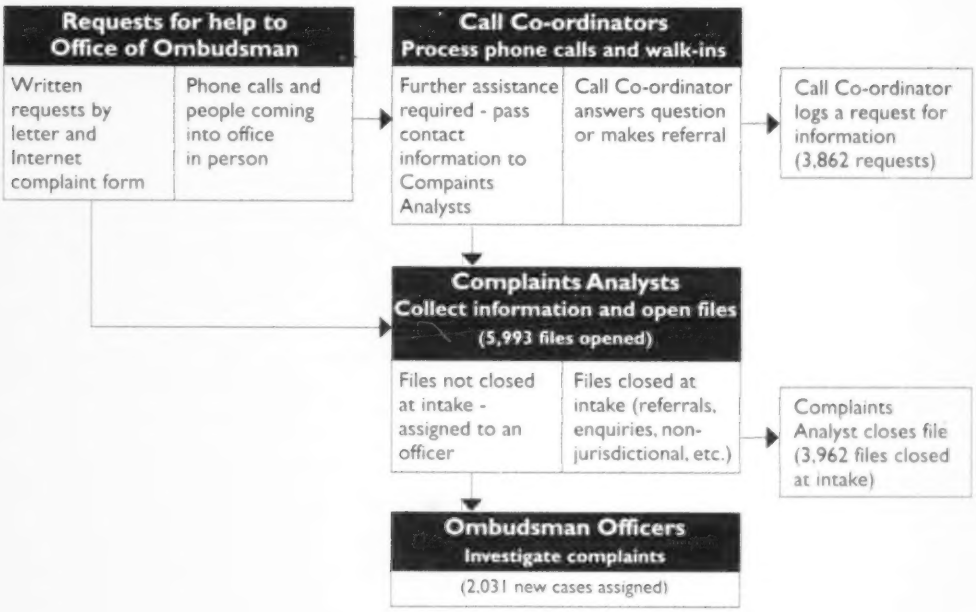
that these circumstances would presumably form the basis of the irrigation district's case to the ministry responsible for Municipal Enabling and Validation Act. However, the irrigation district later informed us it was not prepared to go any further with this matter.

Given the irrigation district's refusal to provide additional supporting information to the ministry, the Ombudsman issued a formal recommendation that the irrigation district reimburse Mr. Z for all related expenses he had incurred in compliance with the irrigation district's condition for approval of his application or, alternatively, that the irrigation district take immediate steps to remedy the unlawfulness of the bylaws that required such a condition. The irrigation district refused to accept this office's finding and recommendation. Although we felt strongly that the irrigation district should have corrected its mistake, the Ombudsman Act provides no mechanism for forcing an authority to implement an Ombudsman's recommendation. After spending several years investigating this complaint, we believed there would be no further benefit in continuing our investigation and closed the file.

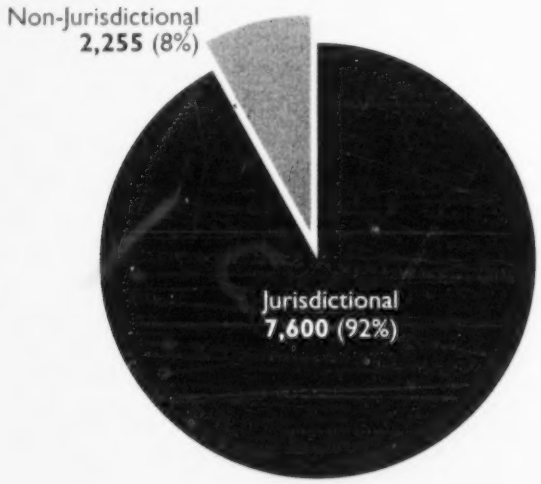
HOW INTAKES WERE PROCESSED IN 2003


Files Opened, by Complaints Analysts and Assigned to Officers
21%
39%
Requests for Information Logged by Call Co-ordinators
40%
Files Opened, Processed and Closed by Complaints Analysts

Total Intakes: 9,855


Requests for help to Office of Ombudsman
Written requests by letter and Internet complaint form
Phone calls and people coming into office in person
Call Co-ordinators
Process phone calls and walk-ins
Further assistance required - pass contact information to Compaints Analysts
Call Co-ordinator answers question or makes referral
Call Co-ordinator logs a request for information (3,862 requests)
Complaints Analysts
Collect information and open files
(5,993 files opened)
Files not closed at intake - assigned to an officer
Files closed at intake (referrals, enquiries, non-jurisdictional, etc.)
Complaints Analyst closes file (3,962 files closed at intake)
Ombudsman Officers
Investigate complaints
(2,031 new cases assigned)

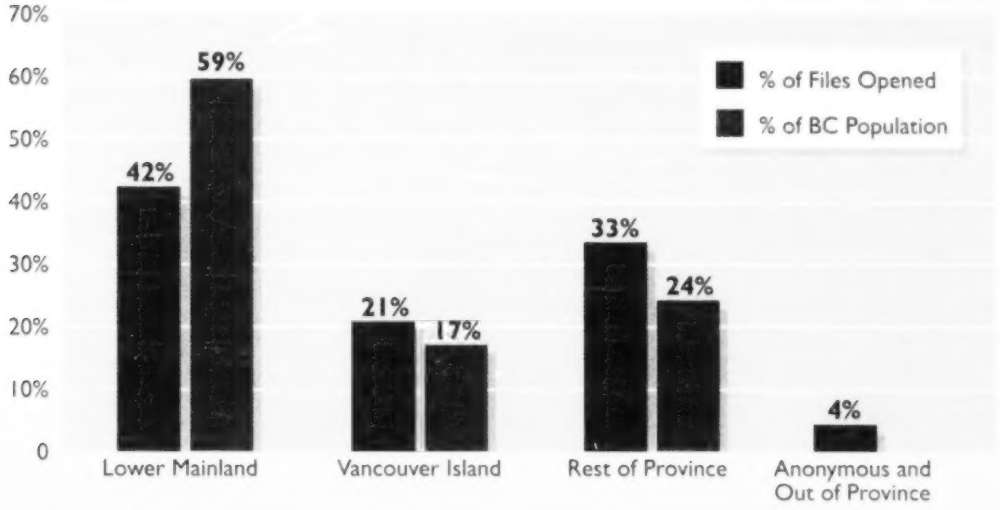
Files Opened in 2003



Intakes in 2003

	Jurisdictional	Non-jurisdictional	Totals
Requests for Information	2,106	1,756	3,862
Files Opened	5,494	499	5,993
Total	**7,600**	**2,255**	**9,855**

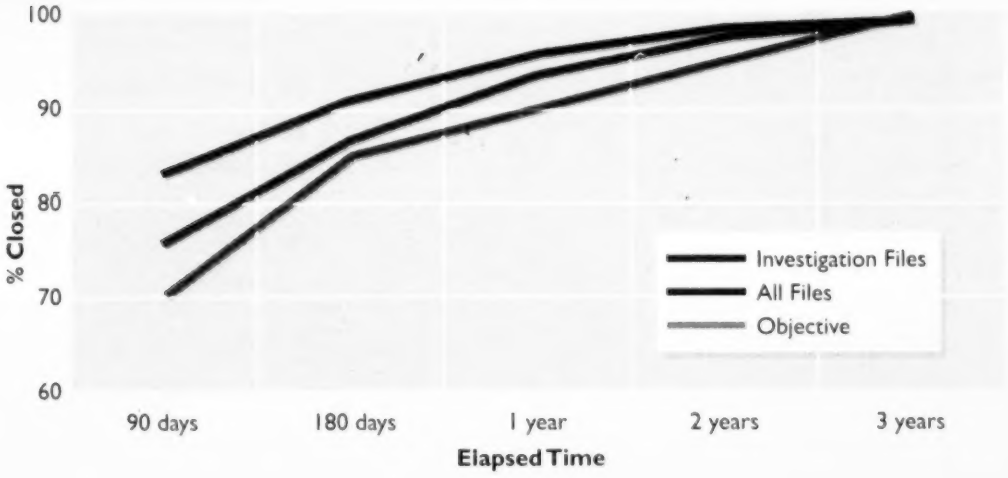
Files Opened In 2003 By Region



Number of Files Opened

	Files Opened	Jurisdictional Files Opened
Lower Mainland	2,527	2,323
Vancouver Island	1,230	1,130
Rest of Province	1,934	1,820
Anonymous	140	74
Out of Province	162	147
Total	**5,993**	**5,494**

Files Closed In 2003

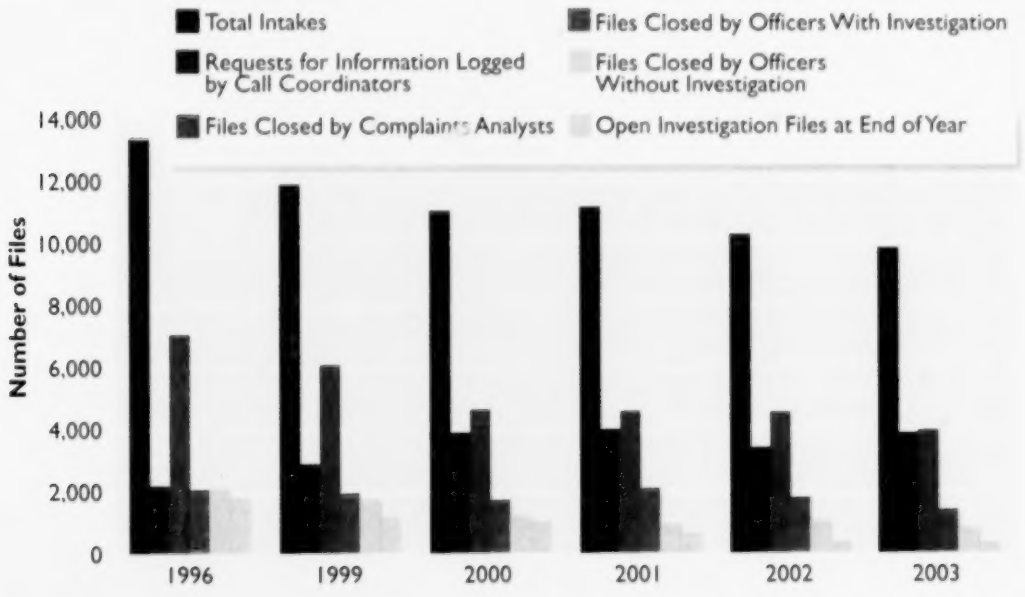


Number of Files Closed

	Within 90 Days Files	%	180 Days Files	%	1 Year Files	%	2 Years Files	%	3 Years Files	%
Investigation Files	1,036	76%	1,188	87%	1,284	94%	1,338	98%	1,359	99%
All Files	1,713	83%	1,870	91%	1,969	96%	2,025	98%	2,046	99%
Performance Objective*		**70%**		**85%**		**90%**		**95%**		**100%**

* Note: These performance objectives apply to the Investigative Teams, so files closed at intake are not included in these numbers.

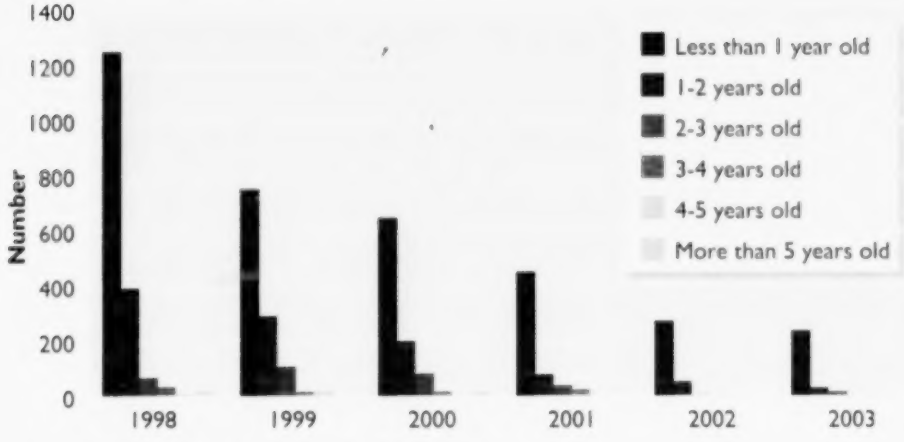
Office Case Load



Breakdown of Office Case Activity

	1998	1999	2000	2001	2002	2003
Open at beginning of year	1,755	1,779	1,191	964	605	361
(Data correction – deletion of duplicate files)						(1)
Requests for Information - Jurisdictional	1,248	1,590	2,212	2,098	1,739	2,106
Requests for Information - Non-Jurisdictional	884	1,237	1,585	1,852	1,602	1,756
Files Opened - Jurisdictional	10,179	8,297	6,582	6,597	6,405	5,494
Files Opened - Non-Jurisdictional	941	742	526	501	535	499
Total Intakes	**13,252**	**11,866**	**10,905**	**11,048**	**10,281**	**9,855**
Requests for Information Logged by Call Coordinators	2,132	2,827	3,797	3,950	3,341	3,862
Files Closed by Complaints Analysts	6,963	6,014	4,544	4,566	4,453	3,962
Total Closed at Intake	**9,095**	**8,841**	**8,341**	**8,516**	**7,794**	**7,824**
Files Closed by Officers With Investigation	2,050	1,959	1,646	2,009	1,751	1,370
Files Closed by Officers Without Investigation	2,111	1,675	1,170	907	1,000	757
Total Closed by Officers	**4,161**	**3,634**	**2,816**	**2,916**	**2,751**	**2,127**
Files Reopened	**28**	**21**	**25**	**25**	**20**	**14**
Open at end of year	**1,779**	**1,191**	**964**	**605**	**361**	**278**

Number of Files Open By Age

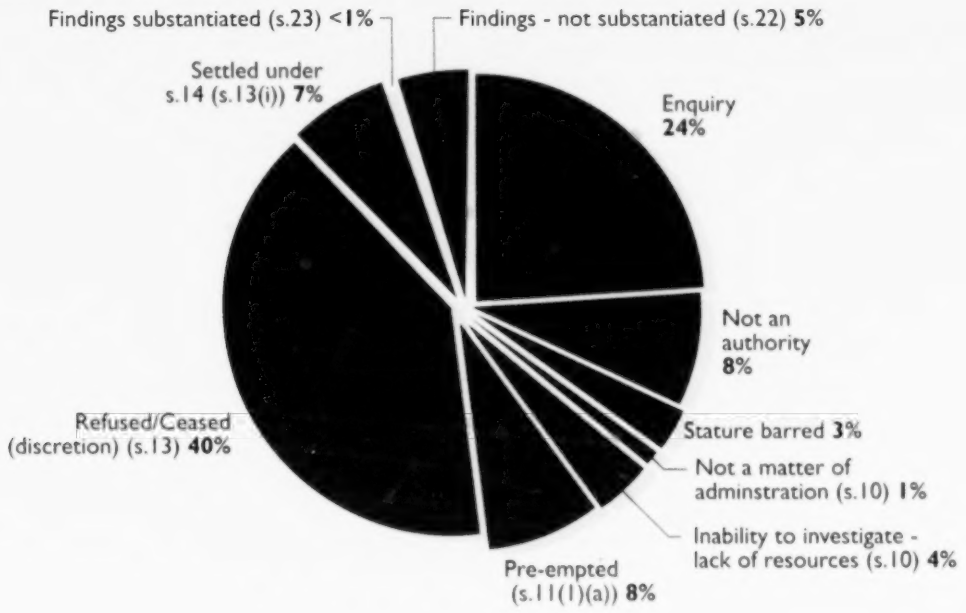


Number of Files Open At The End Of Each Year

	1998		1999		2000		2001		2002		2003	
Less than 1 year old	1,260	71%	752	63%	646	67%	455	75%	276	76%	230	83%
1-2 years old	394		287		203		84		58		29	
2-3 years old	67		105		79		37		12		14	
3-4 years old	35	29%	19	37%	19	33%	25	25%	9	24%	3	17%
4-5 years old	10		18		3		1		5		1	
More than 5 years old	13		10		14		3		1		1	
Total open files	**1,779**		**1,191**		**964**		**605**		**361**		**278**	

* Performance measures introduced in September 2002 set objectives to have less than 20% of open files more than one year old as of 2002, and less than 15% more than one year old as of 2003, and less than 10% more than one year old as of 2004.

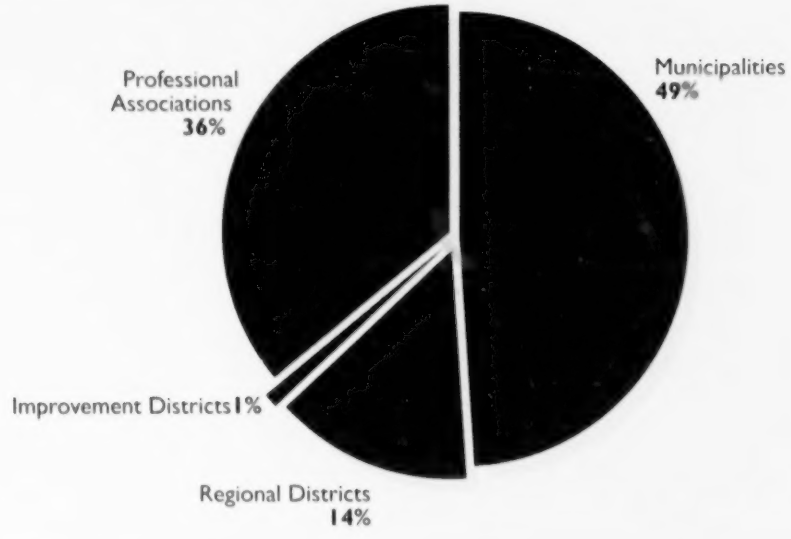
How Files Were Closed In 2003


Findings substantiated (s.23) <1%
Findings - not substantiated (s.22) 5%
Settled under s.14 (s.13(i)) 7%
Enquiry 24%
Not an authority 8%
Stature barred 3%
Not a matter of adminstration (s.10) 1%
Inability to investigate - lack of resources (s.10) 4%
Pre-empted (s.11(1)(a)) 8%
Refused/Ceased (discretion) (s.13) 40%

Closing Status	No Investigation	Investigation	Total Matters Closed*
Enquiry	1,502	NA	1,502
Not an authority	482	NA	482
Statute barred	187	NA	187
Not a matter of administration (s.10)	55	1	56
Inability to investigate – lack of resources (s.10) (see page 46)	205	1	206
Pre-empted (s.11(1)(a))	441	19	460
Refused/ceased (discretion) (s.13)	1,847	618	2,465
s.13(a)	0	0	0
s.13(b)	3	2	5
s.13(c)	1,337	54	1,391
s.13(d)	0	1	1
s.13(e)	306	488	794
s.13(f)	43	35	78
s.13(g)	39	11	50
s.13(h)	119	27	146
Settled under s.14 (s.13(i))	NA	452	452
Findings - substantiated (s.23)	NA	3	3
Findings - not substantiated (s.22)	NA	324	324
Total Closings	**4,719**	**1,418**	**6,137**
Total Files Closed*	**4,719**	**1,370**	**6,089**

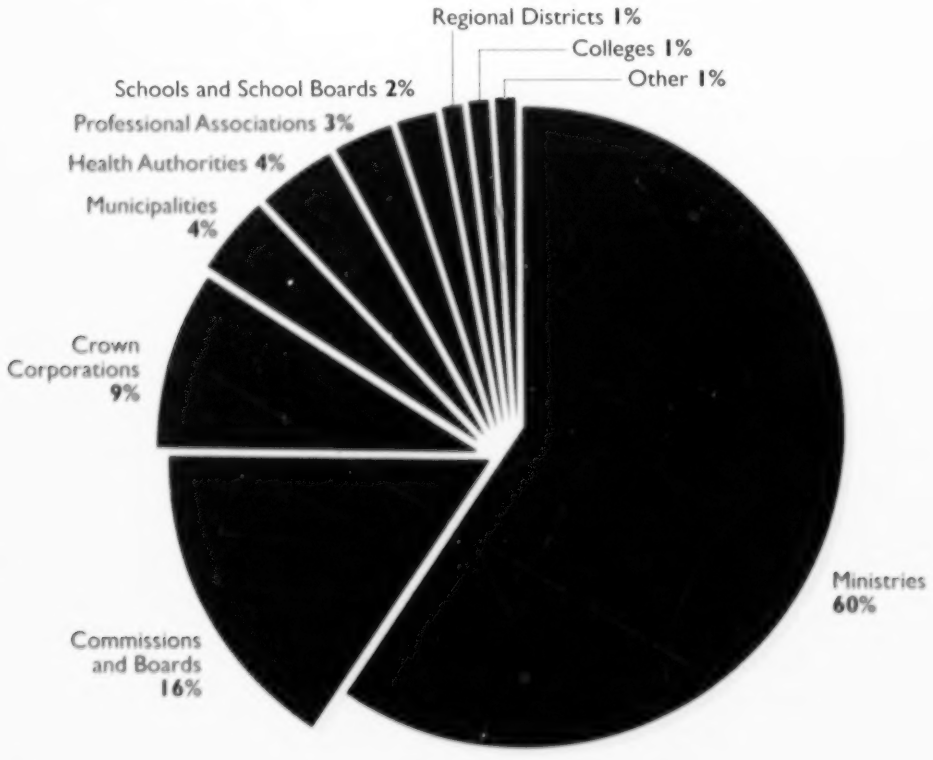
* For investigation files, the number of files closed is no longer the same as the number of closings. Starting July 2003, we began closing each issue, or matter of administration identified on a file, separately. Each Investigation file has one or many matters of administration. Therefore the number of matters closed during a period may be greater than the number of files. A file is considered closed when all of its matters of administration are closed.

Distribution of "Lack of Resources" Closings



Municipalities	102
Regional Districts	28
Improvement Districts	2
Professional Associations	74
Total	**206**

Files Closed In 2003 By Authority



Ministries (60%)	
Human Resources	40%
Children and Family Development	17%
Public Safety and Solicitor General	16%
Attorney General	7%
Health Services	7%
Provincial Revenue	2%
Transportation	2%
Skills Development and Labour	2%
Forests	2%
Advanced Education	1%
Other	4%

Commissions and Boards (16%)	
Workers' Compensation Board	53%
Public Guardian and Trustee	9%
Workers' Compensation Appeal Tribunal	7%
BC Housing	5%
Labour Relations Board	2%
Employment and Assistance Appeal Tribunal	2%
BC Utilities Commission	2%
Emergency Health Services Commission	2%
Human Rights Commission	2%
Workers' Compensation Review Board	2%
Translink	1%
Other	13%

Crown Corporations (9%)	
ICBC	60%
BC Hydro	26%
Land and Water British Columbia Inc	4%
BC Assessment	3%
BC Lottery Corporation	1%
BC Rail	1%
BC Ferry Corporation	1%
BC Transit	1%
Homeowner Protection Office	1%
Other	2%

Municipalities (4%)

City of Vancouver	23%
City of Surrey	9%
City of Abbotsford	5%
City of North Vancouver	4%
City of Richmond	4%
City of Victoria	3%
City of Prince George	3%
City of New Westminster	2%
District of Saanich	2%
Other	45%

Health Authorities (4%)

Vancouver Coastal Health Authority	22%
Interior Health Authority	21%
Vancouver Island Health Authority	20%
Fraser Health Authority	20%
Provincial Health Services Authority	11%
Northern Health Authority	6%

Professional Associations (3%)

College of Physicians and Surgeons of BC	34%
Law Society of BC	34%
College of Psychologists of BC	9%
College of Dental Surgeons of BC	7%
Registered Nurses Association of BC	3%
Other	13%

Schools and School Boards (2%)

School District 8 (Kootenay Lake)	11%
School District 36 (Surrey)	5%
School District 68 (Nanaimo-Ladysmith)	5%
School District 75 (Mission)	5%
Other	74%

Regional Districts (1%)

Capital Regional District	16%
Central Kootenay Regional District	12%
Greater Vancouver Regional District	12%
Comox-Strathcona Regional District	9%
Other	51%

Colleges (1%)

Malaspina College	13%
Vancouver Community College	11%
BC Institute of Technology	9%
Other	67%

All Others (1%)

Universities	70%
Improvement Districts	13%
Libraries	13%
Park Boards	3%

2003 Authority Statistics

Authorities by Section of the Schedule to the *Ombudsman Act*	Files Open as of Jan 1 2003	Requests for Information in 2003	Files Closed in 2003								Files Open as of Dec 31 2003
			Enquiries	Declined (s.10, 11)	Refused/ Ceased (discretion) (s.13)	Settled under s.14 (s.13(i))	Not Substantiated (s.22)	Findings Substantiated (s.23)	Total Matters Closed*	Total Files Closed*	
Ministries	**197**	**1585**	**759**	**440**	**1645**	**307**	**197**	**1**	**3349**	**3318**	**163**
Advanced Education	2	6	18	1	6	7	5	0	37	37	6
Agriculture, Food and Fisheries	0	1	2	0	2	1	0	0	5	4	1
Attorney General	9	53	46	28	146	18	18	0	256	250	9
Children and Family Development	38	17	92	18	396	44	23	0	573	567	21
Community, Aboriginal and Women's Services	2	3	5	2	2	1	1	0	11	11	0
Competition, Science and Enterprise	1	2	4	0	2	1	1	0	8	8	0
Education	2	3	3	0	2	0	2	0	7	7	1
Energy and Mines	2	0	3	1	2	0	0	0	6	6	3
Finance	0	3	6	0	4	1	1	0	12	12	0
Forests	8	1	22	1	17	8	6	0	54	52	6
Health Planning	2	3	8	5	7	0	0	0	20	20	1
Health Services	13	9	69	5	86	39	22	0	221	221	20
Human Resources	59	165	219	354	615	90	42	1	1321	1314	48
Management Services	1	12	3	1	4	1	4	0	13	13	2
Provincial Revenue	6	3	32	2	26	12	13	0	85	84	5
Public Safety and Solicitor General	21	1208	164	13	285	60	34	0	556	548	28
Skills Development and Labour	4	90	25	5	10	8	5	0	53	53	4
Sustainable Resource Management	4	1	8	3	3	0	5	0	19	19	1
Transportation	17	2	22	1	18	14	11	0	66	66	6
Water, Land and Air Protection	6	3	8	0	12	2	4	0	26	26	1
Commissions and Boards	**55**	**228**	**359**	**124**	**284**	**59**	**59**	**0**	**885**	**875**	**38**
BC Benefits Appeal Board	0	0	0	1	1	0	0	0	2	2	0
BC Games Society	0	1	0	0	0	0	0	0	0	0	0
BC Housing	1	7	7	0	35	1	3	0	46	46	1
BC Securities Commission	1	4	2	0	1	0	1	0	4	4	0
BC Utilities Commission	0	111	10	0	1	3	0	0	14	14	1
Board of Hearing Aid Dealers and Consultants	1	0	0	0	0	1	0	0	1	1	0
Board of Parole	0	0	1	0	4	0	1	0	6	6	0
Cabinet	0	0	0	0	0	1	0	0	1	1	0
Commercial Appeals Commission	0	0	0	0	0	1	0	0	1	1	0
Coroners Service	2	0	2	0	4	5	0	0	11	11	0
Emergency Health Services Commission	1	0	2	0	9	0	2	0	13	13	0
Employment Standards Tribunal	0	0	2	0	4	0	2	0	8	8	1
Employment and Assistance Appeal Tribunal	3	0	6	0	10	1	2	0	19	19	3
Environmental Appeal Board	0	0	0	0	1	0	0	0	1	1	0
Expropriation Compensation Board	0	0	0	0	1	0	1	0	2	1	0
Financial Institutions Commission	0	11	8	0	0	1	0	0	9	9	0
Forest Appeals Commission	0	0	0	0	1	0	0	0	1	1	0

Authorities by Section of the Schedule to the *Ombudsman Act*	Files Open as of Jan 1 2003	Requests for Information in 2003	Files Closed in 2003								Files Open as of Dec 31 2003
			Enquiries	Declined (s.10, 11)	Refused/ Ceased (discretion) (s.13)	Settled under s.14 (s.13(1))	Not Substantiated (s.22)	Findings Substantiated (s.23)	Total Matters Closed*	Total Files Closed*	
Forest Practices Board	0	0	1	0	0	0	0	0	1	1	0
Health Professions Council	1	0	0	0	0	0	0	0	0	0	0
Human Rights Commission	1	1	3	0	7	1	2	0	13	13	0
Human Rights Tribunal	0	11	7	0	3	0	0	0	10	10	0
Industry Training and Apprenticeship Commission	0	0	0	0	0	2	0	0	2	2	0
Insurance Council of BC	0	9	2	1	0	0	0	0	3	3	0
Labour Relations Board	1	15	17	0	3	0	1	0	21	21	0
Land Reserve Commission	0	0	1	1	2	0	1	0	5	5	0
Mediation and Arbitration Board	0	0	0	0	0	0	1	0	1	1	0
Motor Dealer Customer Compensation Fund Board	0	0	1	0	0	0	1	0	2	2	1
Municipal Pension Board of Trustees	1	0	0	1	1	0	0	0	2	2	0
Pension Corporation	6	1	1	1	6	3	0	0	11	11	4
Premier's Office	0	2	3	0	0	1	0	0	4	4	0
Private Post-Secondary Education Commission	2	24	8	0	1	0	2	0	11	11	0
Property Assessment Appeal Board	1	0	0	0	0	0	1	0	1	1	0
Public Guardian and Trustee	3	5	25	2	47	2	9	0	85	83	2
Public Service Appeal Board	0	0	0	0	1	0	0	0	1	1	0
Public Service Employee Relations Commission	1	0	2	0	0	0	0	0	2	2	0
Public Service Pension Board of Trustees	1	0	0	0	0	0	0	0	0	0	1
Purchasing Commission	0	0	1	0	1	0	0	0	2	2	0
Real Estate Council	0	9	4	0	0	0	0	0	4	4	0
Translink	0	0	10	1	1	0	0	0	12	12	1
Travel Assurance Board	1	0	0	0	0	1	0	0	1	1	0
Workers' Compensation Appeal Tribunal	0	0	31	2	29	1	5	0	68	65	4
Workers' Compensation Board	26	17	196	114	105	33	23	0	471	467	19
Workers' Compensation Review Board	1	0	6	0	5	1	1	0	13	13	0
Crown Corporations	**15**	**152**	**106**	**17**	**311**	**39**	**20**	**0**	**493**	**492**	**26**
BC Assessment	0	0	7	3	4	0	1	0	15	15	2
BC Ferry Corporation	0	1	1	0	4	0	0	0	5	5	0
BC Hydro	2	49	15	4	90	17	5	0	131	131	3
BC Lottery Corporation	0	0	5	0	2	0	0	0	7	7	1
BC Rail	0	0	5	0	2	0	0	0	7	7	2
BC Transit	0	0	3	0	2	0	0	0	5	5	0
Forest Renewal BC	0	1	0	0	0	0	0	0	0	0	0
Homeowner Protection Office	3	0	0	0	3	0	1	0	4	4	1
ICBC	6	101	59	9	199	20	7	0	294	292	10
Land and Water British Columbia Inc.	4	0	9	0	3	2	6	0	20	20	7
Oil and Gas Commission	0	0	1	0	1	0	0	0	2	2	0
Pacific National Exhibition	0	0	0	1	0	0	0	0	1	2	0
Tourism BC	0	0	1	0	1	0	0	0	2	2	0

Authorities by Section of the Schedule to the *Ombudsman Act*	Files Open as of Jan 1 2003	Requests for Information in 2003	Files Closed in 2003								Files Open as of Dec 31 2003
			Enquiries	Declined (s.10, 11)	Refused/ Ceased (discretion) (s.13)	Settled under s.14 (s.13(1))	Not Substantiated (s.22)	Findings Substantiated (s.23)	Total Matters Closed*	Total Files Closed*	
Municipalities	**23**	**11**	**17**	**202**	**9**	**6**	**8**	**0**	**242**	**241**	**6**
Cities											
Abbotsford	0	1	1	8	1	1	0	0	11	11	0
Burnaby	1	0	0	3	0	0	0	0	3	3	0
Castlegar	0	1	0	1	0	0	0	0	1	1	0
Chilliwack	0	0	2	2	0	0	0	0	4	4	0
Colwood	0	0	1	1	0	0	0	0	2	2	0
Coquitlam	0	0	1	1	0	0	0	0	2	2	0
Courtenay	0	0	0	2	0	0	0	0	2	2	0
Cranbrook	0	0	0	1	0	0	0	0	1	1	0
Dawson Creek	0	0	1	0	0	0	0	0	1	1	0
Duncan	0	0	0	1	0	0	0	0	1	1	0
Fernie	0	0	0	1	0	0	0	0	1	1	0
Fort St. John	0	0	0	2	0	0	0	0	2	2	0
Grand Forks	1	0	0	1	0	0	1	0	2	2	0
Kamloops	0	1	0	1	0	0	0	0	1	1	0
Kelowna	0	0	0	4	0	0	0	0	4	4	0
Kimberley	0	0	0	2	0	0	0	0	2	2	0
Langley	0	0	0	1	0	0	0	0	1	1	0
Merritt	0	1	0	0	0	0	0	0	0	0	0
Nanaimo	0	0	0	4	0	0	0	0	4	4	0
Nelson	0	1	2	1	0	0	0	0	3	3	0
New Westminster	1	0	0	5	0	1	0	0	6	6	0
North Vancouver	0	1	2	7	0	0	0	0	9	9	0
Penticton	1	0	0	0	1	0	0	0	1	1	0
Port Moody	0	0	0	1	0	0	0	0	1	1	0
Prince George	3	0	0	4	0	0	3	0	7	7	0
Quesnel	0	0	0	1	0	0	0	0	1	1	0
Richmond	2	0	1	6	2	0	0	0	9	9	0
Rossland	0	0	0	0	1	0	0	0	1	1	0
Surrey	4	0	2	16	0	2	1	0	21	21	1
Trail	0	0	0	2	0	0	0	0	2	2	0
Vancouver	1	1	2	53	1	0	1	0	57	56	0
Vernon	0	1	0	3	0	0	0	0	3	3	0
Victoria	0	0	2	6	0	0	0	0	8	8	0
White Rock	0	0	0	1	0	0	0	0	1	1	0
Williams Lake	0	0	0	2	0	0	0	0	2	2	0
Corporations											
Corporation of Delta	0	0	0	1	0	0	0	0	1	1	0
Districts											
District of 100 Mile House	1	0	0	0	0	0	0	0	0	0	1

Authorities by Section of the Schedule to the *Ombudsman Act*	Files Open as of Jan 1 2003	Requests for Information in 2003	Files Closed in 2003								Files Open as of Dec 31 2003
			Enquiries	Declined (s.10, 11)	Refused/ Ceased (discretion) (s.13)	Settled under s.14 (s.13(1))	Not Substantiated (s.22)	Findings Substantiated (s.23)	Total Matters Closed*	Total Files Closed*	
Campbell River	2	0	0	1	0	0	1	0	2	2	1
Central Saanich	0	0	0	3	0	0	0	0	3	3	0
Chetwynd	0	0	0	1	0	0	0	0	1	1	0
Hope	0	0	0	4	0	0	0	0	4	4	0
Invermere	0	0	0	1	0	0	0	0	1	1	0
Lake Country	0	0	0	1	0	0	0	0	1	1	0
Langford	1	0	0	1	1	0	0	0	2	2	0
Logan Lake	0	0	0	1	0	0	0	0	1	1	0
Maple Ridge	0	0	0	4	0	0	0	0	4	4	0
Mission	0	1	0	4	0	0	0	0	4	4	0
North Cowichan	1	0	0	1	1	1	0	0	3	3	0
North Saanich	0	0	0	1	0	0	0	0	1	1	0
North Vancouver	1	0	0	1	0	0	1	0	2	2	0
Powell River	0	0	0	2	0	0	0	0	2	2	0
Saanich	0	0	0	5	0	0	0	0	5	5	1
Salmon Arm	0	1	0	1	0	0	0	0	1	1	0
Sechelt	0	0	0	2	0	0	0	0	2	2	0
Sooke	0	0	0	1	0	0	0	0	1	1	0
Squamish	0	0	0	1	0	0	0	0	1	1	0
Stewart	0	0	0	1	0	0	0	0	1	1	0
Summerland	0	0	0	1	0	0	0	0	1	1	0
Taylor	0	0	0	1	0	0	0	0	1	1	0
Tumbler Ridge	0	0	0	1	0	0	0	0	1	1	0
West Vancouver	0	0	0	1	0	0	0	0	1	1	0
Towns											
Creston	0	0	0	1	0	0	0	0	1	1	0
Ladysmith	1	0	0	2	0	1	0	0	3	3	0
Lake Cowichan	0	1	0	0	1	0	0	0	1	1	0
Osoyoos	0	0	0	1	0	0	0	0	1	1	0
Port McNeill	0	0	0	1	0	0	0	0	1	1	0
Qualicum Beach	0	0	0	1	0	0	0	0	1	1	0
View Royal	1	0	0	0	0	0	0	0	0	0	1
Townships											
Esquimalt	0	0	0	1	0	0	0	0	1	1	0
Langley	0	0	0	2	0	0	0	0	2	2	0
Villages											
Anmore	1	0	0	0	0	0	0	0	0	0	1
Fruitvale	0	0	0	1	0	0	0	0	1	1	0
Kaslo	0	0	0	2	0	0	0	0	2	2	0
Pemberton	0	0	0	1	0	0	0	0	1	1	0
Port Clements	0	0	0	1	0	0	0	0	1	1	0

Authorities by Section of the Schedule to the *Ombudsman Act*	Files Open as of Jan 1 2003	Requests for Information in 2003	Files Closed in 2003								Files Open as of Dec 31 2003
			Enquiries	Declined (s.10, 11)	Refused/ Ceased (discretion) (s.13)	Settled under s.14 (s.13(i))	Not Substantiated (s.22)	Findings Substantiated (s.23)	Total Matters Closed*	Total Files Closed*	
Salmo	0	0	0	2	0	0	0	0	2	2	0
Regional Districts	**7**	**0**	**5**	**31**	**3**	**1**	**3**	**0**	**43**	**43**	**1**
Alberni-Clayoquot	0	0	0	1	0	0	0	0	1	1	0
Capital	0	0	0	7	0	0	0	0	7	7	0
Cariboo	0	0	0	2	0	0	0	0	2	2	0
Central Kootenay	0	0	1	4	0	0	0	0	5	5	0
Central Okanagan	1	0	1	1	0	0	1	0	3	3	0
Columbia-Shuswap	1	0	0	1	1	0	0	0	2	2	0
Comox-Strathcona	1	0	2	1	1	0	0	0	4	4	0
Cowichan Valley	0	0	0	3	0	0	0	0	3	3	0
East Kootenay	0	0	0	2	0	0	0	0	2	2	0
Fraser-Fort George	1	0	0	0	0	0	1	0	1	1	0
Greater Vancouver	0	0	0	5	0	0	0	0	5	5	0
Nanaimo	1	0	0	1	0	0	1	0	2	2	0
North Okanagan	0	0	0	1	0	0	0	0	1	1	0
Okanagan-Similkameen	1	0	0	1	1	0	0	0	2	2	1
Squamish-Lillooet	1	0	0	0	0	1	0	0	1	1	0
Thompson-Nicola	0	0	1	1	0	0	0	0	2	2	0
Improvement Districts	**2**	**2**	**0**	**2**	**0**	**0**	**1**	**1**	**4**	**4**	**0**
Beaver Creek Improvement District	0	0	0	1	0	0	0	0	1	1	0
Black Mountain Irrigation District	0	1	0	0	0	0	0	0	0	0	0
Genelle Improvement District	0	0	0	1	0	0	0	0	1	1	0
Lakeview Irrigation District	2	0	0	0	0	0	1	1	2	2	0
Rutland Waterworks District	0	1	0	0	0	0	0	0	0	0	0
Libraries	**1**	**0**	**0**	**0**	**1**	**1**	**1**	**1**	**4**	**4**	**1**
Fraser Valley Regional Library	0	0	0	0	0	0	0	0	0	0	1
Greater Victoria Public Library	1	0	0	0	0	0	0	1	1	1	0
Vancouver Island Regional Library	0	0	0	0	1	0	1	0	2	2	0
Vancouver Public Library	0	0	0	0	0	1	0	0	1	1	0
Parks Boards	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**1**	**1**	**0**
Cultus Lake Park Board	0	0	1	0	0	0	0	0	1	1	0
Schools and School Boards	**15**	**1**	**28**	**4**	**73**	**12**	**18**	**0**	**135**	**132**	**10**
School District 05 (Southeast Kootenay)	0	0	0	0	1	0	0	0	1	1	0
School District 06 (Rocky Mountain)	0	0	0	0	0	0	1	0	1	1	0
School District 08 (Kootenay Lake)	0	0	0	0	8	0	6	0	14	14	0
School District 20 (Kootenay-Columbia)	0	0	0	0	3	0	0	0	3	3	0
School District 22 (Vernon)	1	0	1	0	1	1	0	0	3	3	0
School District 23 (Central Okanagan)	0	0	1	0	1	0	0	0	2	2	0
School District 27 (Cariboo-Chilcotin)	0	0	0	0	1	1	0	0	2	2	0
School District 28 (Quesnel)	0	0	0	0	2	0	0	0	2	2	0
School District 33 (Chilliwack)	1	0	0	0	0	1	0	0	1	1	0

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School District 34 (Abbotsford)	1	0	2	0	1	0	1	0	4	4	1
School District 36 (Surrey)	0	0	2	0	5	0	0	0	7	7	0
School District 37 (Delta)	2	0	0	0	2	0	0	0	2	2	0
School District 38 (Richmond)	0	0	0	0	2	0	1	0	3	2	0
School District 39 (Vancouver)	1	0	1	0	1	1	1	0	4	4	1
School District 40 (New Westminster)	0	0	0	0	2	0	0	0	2	2	0
School District 41 (Burnaby)	0	0	1	0	2	0	0	0	3	3	0
School District 42 (Maple Ridge-Pitt Meadows)	0	0	0	0	1	1	0	0	2	2	0
School District 43 (Coquitlam)	1	0	0	0	1	1	0	0	2	2	0
School District 44 (North Vancouver)	0	0	0	0	2	1	0	0	3	3	1
School District 45 (West Vancouver)	0	0	0	0	0	1	0	0	1	1	0
School District 46 (Sunshine Coast)	0	0	1	0	0	0	0	0	1	1	0
School District 48 (Howe Sound)	1	0	0	0	3	1	0	0	4	3	1
School District 51 (Boundary)	0	0	0	0	2	0	1	0	3	3	1
School District 57 (Prince George)	0	0	0	0	1	0	0	0	1	1	0
School District 58 (Nicola-Similkameen)	0	0	0	0	0	0	1	0	1	1	0
School District 59 (Peace River South)	0	0	1	1	0	0	0	0	2	2	0
School District 60 (Peace River North)	0	0	2	0	0	0	0	0	2	2	0
School District 61 (Greater Victoria)	1	1	1	0	3	0	0	0	4	4	1
School District 62 (Sooke)	0	0	0	0	2	0	1	0	3	3	0
School District 67 (Okanagan Skaha)	0	0	0	0	0	0	0	0	0	0	1
School District 68 (Nanaimo-Ladysmith)	2	0	3	0	2	0	2	0	7	7	0
School District 69 (Qualicum)	0	0	1	0	2	0	0	0	3	3	0
School District 70 (Alberni)	0	0	1	0	3	0	0	0	4	4	1
School District 71 (Comox Valley)	0	0	0	0	0	1	0	0	1	1	0
School District 72 (Campbell River)	1	0	0	1	2	0	1	0	4	4	0
School District 73 (Kamloops/Thompson)	1	0	1	1	0	0	2	0	4	4	0
School District 74 (Gold Trail)	0	0	1	0	0	0	0	0	1	1	0
School District 75 (Mission)	1	0	0	0	5	1	0	0	6	6	0
School District 78 (Fraser-Cascade)	0	0	1	0	1	0	0	0	2	2	0
School District 79 (Cowichan Valley)	0	0	2	0	2	0	0	0	4	4	0
School District 82 (Coast Mountains)	0	0	1	0	3	0	0	0	4	4	0
School District 83 (North Okanagan-Shuswap)	0	0	0	0	3	0	0	0	3	3	0
School District 85 (Vancouver Island North)	0	0	1	1	1	1	0	0	4	3	1
School District 87 (Stikine)	1	0	3	0	1	0	0	0	4	4	1
School District 91 (Nechako Lakes)	0	0	0	0	1	0	0	0	1	1	0
Universities	**0**	**1**	**10**	**1**	**7**	**2**	**1**	**0**	**21**	**21**	**2**
Royal Roads University	0	0	1	0	0	0	0	0	1	1	0
Simon Fraser University	0	0	1	0	1	1	0	0	3	3	1
University of British Columbia	0	1	6	1	4	1	0	0	12	12	0
University of Victoria	0	0	2	0	2	0	1	0	5	5	1

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Colleges	**2**	**0**	**21**	**3**	**16**	**3**	**3**	**0**	**46**	**46**	**8**
BC Institute of Technology	0	0	1	1	2	0	0	0	4	4	0
Camosun College	0	0	0	0	0	0	1	0	1	1	0
Capilano College	0	0	2	0	1	0	0	0	3	3	2
College of New Caledonia	0	0	0	0	0	1	0	0	1	1	0
College of the Rockies	0	0	0	0	2	0	1	0	3	3	0
Douglas College	0	0	1	1	1	0	0	0	3	3	2
Emily Carr Institute of Art and Design	0	0	1	0	0	0	0	0	1	1	0
Justice Institute of BC	0	0	2	0	1	0	0	0	3	3	0
Kwantlen University College	0	0	0	0	2	0	0	0	2	2	0
Langara College	0	0	1	0	1	0	0	0	2	2	3
Malaspina College	1	0	4	0	2	0	0	0	6	6	0
North Island College	0	0	0	0	1	0	0	0	1	1	0
Northwest Community College	0	0	1	0	1	1	0	0	3	3	0
Okanagan University College	0	0	2	0	1	0	0	0	3	3	0
Open Learning Agency	0	0	1	0	0	0	0	0	1	1	0
Selkirk College	0	0	1	0	1	0	0	0	2	2	0
University College of the Cariboo	0	0	2	0	0	0	0	0	2	2	0
Vancouver Community College	1	0	2	1	0	1	1	0	5	5	1
Professional Associations	**28**	**119**	**75**	**84**	**21**	**1**	**10**	**0**	**191**	**189**	**4**
Architectural Institute of BC	1	0	0	1	0	0	1	0	2	2	0
Association of Professional Foresters	0	0	0	2	0	0	0	0	2	2	0
BC College of Chiropractors	0	0	0	2	0	0	0	0	2	2	0
BC Veterinary Medical Association	0	5	0	1	0	0	0	0	1	1	0
College of Dental Surgeons of BC	1	9	1	10	1	0	1	0	13	13	0
College of Denturists of BC	0	2	0	0	0	0	0	0	0	0	0
College of Licensed Practical Nurses of BC	0	0	0	1	0	0	0	0	1	1	0
College of Massage Therapists of BC	0	0	0	1	0	0	0	0	1	1	0
College of Midwives of BC	0	0	0	1	0	0	0	0	1	1	0
College of Naturopathic Physicians of BC	1	0	0	0	1	0	0	0	1	1	0
College of Occupational Therapists of BC	0	0	1	0	0	0	0	0	1	1	0
College of Pharmacists of BC	0	1	0	2	0	0	0	0	2	2	0
College of Physicians and Surgeons of BC	11	45	39	14	10	1	3	0	67	65	0
College of Psychologists of BC	4	3	4	10	3	0	0	0	17	17	2
College of Traditional Chinese Medicine & Acupuncturists of BC	1	0	0	2	1	0	0	0	3	3	1
Cosmetologists Association of BC	0	1	0	1	0	0	0	0	1	1	0
Institute of Chartered Accountants of BC	0	0	2	1	0	0	0	0	3	3	0
Law Society of British Columbia	7	53	27	31	2	0	5	0	65	65	1
Registered Nurses Association of BC	2	0	0	3	3	0	0	0	6	6	0
Society of Notaries Public	0	0	1	1	0	0	0	0	2	2	0

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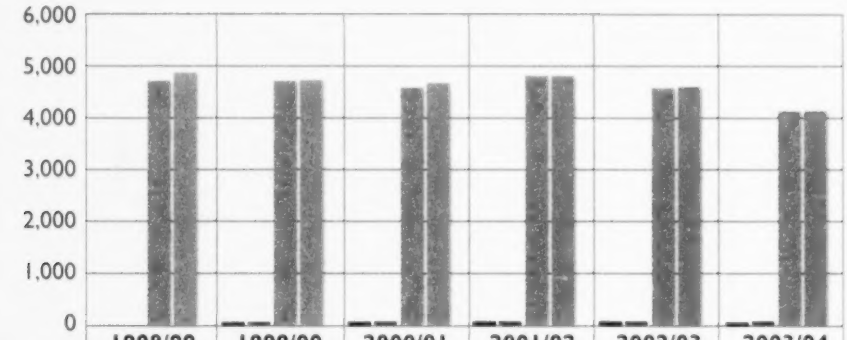
Health Authorities	**16**	**7**	**105**	**10**	**93**	**21**	**3**	**0**	**232**	**232**	**18**
Fraser	0	1	28	1	14	2	0	0	45	45	1
Interior	5	2	17	1	22	9	0	0	49	49	5
Northern	2	0	6	0	7	1	0	0	14	14	1
Vancouver Coastal	1	2	22	7	21	1	1	0	52	52	2
Vancouver Island	7	2	22	1	20	3	1	0	47	47	8
Provincial Health	1	0	10	0	9	5	1	0	25	25	1
BC Cancer Agency	0	0	2	0	0	1	0	0	3	3	0
Forensic Psychiatric Services Commission	0	0	3	0	5	1	1	0	10	10	0
Riverview Hospital	0	0	5	0	1	1	0	0	7	7	1
Provincial Health Services Authority - General	1	0	0	0	3	2	0	0	5	5	0
Jurisdictional Totals	**361**	**2106**	**1486**	**918**	**2463**	**452**	**324**	**3**	**5646**	**5598**	**277**
Non-Jurisdictional Totals	**0**	**1756**	**16**	**473**	**2**	**0**	**0**	**0**	**491**	**491**	**1**
Grand Totals for 2003	**361**	**3862**	**1502**	**1391**	**2465**	**452**	**324**	**3**	**6137**	**6089**	**278**

* For investigation files, the number of files closed is no longer the same as the number of closings. Starting July 2003, we began closing each issue, or matter of administration identified on a file, separately. Each Investigation file has one or many matters of administration. Therefore the number of matters closed during a period may be greater than the number of files. A file is considered closed when all of its matters of administration are closed.

BUDGET SUMMARY ($'000)



	1998/99	1999/00	2000/01	2001/02	2002/03	2003/04
Actual Capital Expenditure		48.0	52.0	59.0	58.0	27.0
Capital Budget		54.0	54.0	59.0	59.0	62.0
Actual Operating Expenditure	4,680.0	4,663.0	4,530.0	4,750.6	4,516.0	4,086.0
Operating Budget	4,829.0	4,663.0	4,610.0	4,765.0	4,548.0	4,086.0
FTEs	50	50	50	50	50	38

Notes: The operating budget for 1998/99 includes adjustments made to implement amortization of the capital costs of computer hardware and software.

The operating budget for 1999/00 includes $8,000 accessed from contingencies to adjust for an inadequate allocation for amortization expenditures.

The operating budget for 2003/04 includes $36,000 accessed from contingencies to assist with adjustments to leave liability.

A separate capital budget was introduced in 1999/00 for computer hardware and software purchases.

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